

VDMV GROUP

MANUAL

in terms of Section 51 of The Promotion of Access to Information Act, 2 of 2000

This Manual provides information on the records held and the process that is to be followed to request access to such records.

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1. INTRODUCTION

VDMV refers to a group of companies that is involved with property management, private equity and property development. The Group's activities are further listed and described on their website at www.vdmv.co.za. In this document, the group is referred to VDMV.

2. COMPANY CONTACT DETAILS AND INFORMATION OFFICER

2.1 The directors of the VDMV are:

Izak van der Merwe, Craig Myburgh, Gary Luyt, Wihan De Villiers, Bennie Rheeder, Xander Rau, Tyrone Kleinjan, Neil Van Rensburg

2.2 The CEO is:

Izak van der Merwe

2.3 Company Postal Address:

First Floor, Block B
Oxford Gate Business Park
54 Oxford Street, Durbanville, 7550

2.4 The Information Officers are:

Cherise van Rensburg
Vera Strauss

2.5 It is recorded further that PAIA prescribes the appointment of an Information Officer for private bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51. VDMV has appointed the persons listed in 2.4 above as Information Officers.

2.6 The Information Officers appointed in terms of PAIA also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

2.7 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013.

2.8 All requests for information in terms of this Act must be addressed to the Information Officers.

3. OUR RECORDS

3.1. RECORDS WHICH ARE AUTOMATICALLY ACCESSIBLE

Records which we hold in terms of the following Acts of Parliament are automatically accessible in terms of these laws:

- Basic Conditions of Employment Act (Act 75 of 1997)
- Companies Act (Act 71 of 2008)
- Compensation for Occupational Injuries and Disease Act (Act 130 of 1993)
- Employment Equity Act (Act 55 of 1998)
- Financial Intelligence Centre Act (Act 38 of 2001)
- Income Tax Act (Act 58 of 1962)
- Labour Relations Act (Act 66 of 1995)
- Money Laundering & Terrorist Financing Control Regulations (2002/2005)
- Occupational Health and Safety Act (Act 85 of 1993)
- Protection of Personal Information Act (Act 4 of 2013);
- Skills Development Act (Act 97 of 1998)
- Skills Development Levies Act (Act 9 of 1999)
- Unemployment Insurance Act (Act 63 of 2001)
- Unemployment Contributions Act (Act 4 of 2002)
- Value Added Tax Act (Act 89 of 1991)

3.2. VOLUNTARY DISCLOSURE OF RECORDS

The following records and information are freely available on request:

- General information about our operations;
- Everything that appears on our website at www.vdmv.co.za.

3.3. OTHER RECORDS

We also hold the following records, which are not automatically accessible. If you require access to any of them, you will need to follow the procedure in section 4 of this manual:

- Correspondence
 - general correspondence
- Financial
 - company account records
 - tax records
 - receipts issued
- Financial Intelligence
 - verification records
 - reports (if any) submitted to the Financial Intelligence Centre
- Meetings
 - minutes of meetings
- Legal
 - records of legal matters
- Personnel
 - personnel files for current employees and agents
 - personnel files for ex-employees and agents who left during the past three years

4. ACCESS TO OUR RECORDS

4.1. YOUR RIGHT OF ACCESS

The Promotion of Access to Information Act 2 of 2000 (“the Act”) entitles you to have access to our records, provided that:

- you need access to exercise or protect any of your rights;
- you apply for access according to the procedure set out in this manual, and
- we do not have grounds for refusing you access.

4.2. OUR RIGHT TO REFUSE ACCESS

We have the right to refuse you access to our records if any of the following grounds apply:

- the record would unreasonably disclose personal information about a third party, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access),
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access),
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access),
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property,
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection);
- access would contravene our obligations under the Protection of Personal Information Act 4 of 2013.

4.3 NOTICE IN TERMS OF SECTION 52 OF THE ACT

We have not gazetted any notices in terms of Section 52 of the Act. This means that, except for those items listed in sections 3.1 and 3.2 of this manual, we will grant access to our records only in terms of this manual.

4.4 SOUTH AFRICAN HUMAN RIGHTS COMMISSION: SECTION 10 GUIDE

This PAIA Manual complies with the requirements of guide mentioned in section 10 of PAIA and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies

5. HOW TO APPLY FOR ACCESS

5.1. FILL IN A REQUEST FORM

If you want to obtain access to any of the records listed in this manual, you should fill in the application form contained in section 7 of this manual.

5.2 SUBMIT THE FORM AND THE REQUEST FEE

Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you don't have to pay the request fee.

If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative arrangements.

5.3 WE WILL RESPOND

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will probably be one of the following:

- Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
- It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
- We have found the record you're looking for, and you may have access to it, on payment of:
 - An access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
 - A reproduction fee for making photocopies or printouts or copying the record onto a stiffer disc or CD - the fees are set out in section 6 of this manual
 - Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.
- You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
- We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.

6. SCHEDULE OF FEES

As per Government Gazette 23119 dated 15 February 2002

A photocopy of this manual: R1.10 per page

Request fee (non-refundable) payable on submission of the Application Form: R50.00

Access fee for searching our records: R30.00 per hour (or part thereof)

Note: if the search is likely to take longer than six hours (which would cost more than R180), then a deposit of one-third (i.e. R60) is payable in advance.

Reproduction fee photocopy (A4 page or part thereof) R1.10

Printout from a computer or in other electronic or machine-readable form (A4 page or part thereof) R0.75

Computer-readable copy on disc R7.50

Computer-readable copy of CD R70.00

Transcription of visual images (A4 page or part thereof) R40.00

Copy of a visual image R60.00

Transcription of an audio record (A4 page or part thereof) R20.00

Copy of an audio record R30.00

VAT must be added to request, access and reproduction fees.

Postage

If the copy of the record is to be sent by post, then postage must be paid in addition to the request, access and reproduction fees.

7. APPLICATION FORM

Request for Access to Record of Private Body

Section 53(1) of the Act

Regulation 10

A. Particulars of private body

The Head of the organisation: _____

Address: _____

B. Particulars of person requesting access to the record

Notes:

- Please give the particulars of the person who is requesting access to the record.
- Please state the address and/or fax number in the Republic to which the information is to be sent.
- If applicable, attach proof of the capacity in which the request is made.

Full names and surname:

Identity number:

Postal address:

Telephone no: _____ Fax no: _____

E-mail address: _____

If this application is being made on behalf of another person, state the capacity in which you are making it: _____

C. Particulars of person on whose behalf the request is made

Note: this needs to be completed only if the request for information is being made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

Notes:

- Provide full particulars of the record to which access is requested, including a reference number (if you know of one) which will help us to locate the record.
- If there is not enough space on this form for all the particulars, write the remaining particulars on a separate sheet of paper, sign it, and attach it to this form.

1. Description of the record or relevant part of the record:

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

Notes:

- 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.
- You will be notified of the amount to be paid as the request fee.
- The fee payable for access to a record depends on the form in which access is required and the reasonable time to search for and prepare a record.
- If you qualify for exemption from payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you have a disability which prevents you from reading, viewing or listening to the record in any of the forms of access listed in sections 1 to 4 hereunder, please state your disability and indicate the form in which you require the record:

Disability: _____

Notes:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances, in which case you will be informed if access will be granted in another form.
- The fee payable for access to the record will partly be determined by the form in which access is requested.

Mark the appropriate box with an X:

If the record is in written or printed form:

Copy of the record ___ Inspection of the record ___

If the record consists of visual images (including photographs, slides, video recordings, computer-generated images, sketches etc.):

View the images ___ Copy of the images ___ Transcription of the images ___

If the record consists of recorded words or information which can be reproduced in sound:

Listen to soundtrack (audio cassette) ___ Transcription of soundtrack (written or printed) ___

If the record is held on a computer, or in electronic or machine-readable form:

Printed copy of record ___ Printed copy of information derived from the record ___

Copy in machine-readable form ___

G. Particulars of right to be exercised or protected

If the space provided is not adequate, please continue on a separate sheet, sign it, and attach it to this form.

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

2. Explain why you need the requested record to exercise or protect the aforementioned right: _____

H. Notice of decision regarding request for access

You will be notified in writing whether your application has been approved or denied. If you wish to be informed in some other manner, please specify it and give details to enable us to comply with your request:

How would you prefer to be informed of our decision regarding your request for access to the record?

SIGNED AT _____ THIS _____ DAY OF _____ 20 _____

SIGNATURE OF REQUESTER: _____

PERSON ON WHOSE BEHALF THE REQUEST IS MADE: _____

Manual accepted by VDMV on 01 August 2021.

**SIGNED: Cherise van Rensburg
obo VDMV**