



ATTERBURY

ATTERBURY PROPERTY GROUP

**MANUAL IN TERMS OF SECTION 51 OF PROMOTION OF
ACCESS TO INFORMATION ACT, ACT 2 OF 2000**

Date of compilation: 28 September 2020

1. INTRODUCTION

The Promotion of Access to Information Act, Act 2 Of 2000 (“**PAIA**”) gives 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.

This is the Information Manual in Terms of Section 51 of PAIA in respect of Atterbury Property Group, which consist of Atterbury Property Holdings Proprietary Limited and the entities listed in Annexure A hereto (“**Atterbury**”).

Atterbury is a property investment, development and holding group and regarded as a private body in terms of PAIA.

2. CONTACT DETAILS

Postal Address	Postnet Suite 205 Private Bag X20009 Garsfontein 0042
Physical Address	2nd Floor, Die Klubhuis Building Cnr 18th Street and Pinaster Avenue Hazelwood Pretoria 0042
Telephone Number	012 471 1600
Electronic Mail	legalnotices@atterbury.co.za
Chief Executive Officer	Armond Boshoff
Information Officer	Cornelia de Kock

3. PURPOSE OF THIS MANUAL

- 3.1. This manual is a guide to accessing records held by Atterbury and is intended to provide guidelines to the members of the public who wish to exercise their constitutional rights embodied in PAIA.
- 3.2. This manual contains a guide in respect of how to lodge a request for information; the types of records that are available; grounds for refusal; what procedures will be followed in considering a request; the applicable fee structure; and information on the applicable appeal procedures should you not be satisfied with the outcome of the request.

4. THE PROTECTION OF PERSONAL INFORMATION ACT, NO. 4 OF 2013 (“POPI”)

POPI amends PAIA in certain instances. Under POPI the South African Human Rights Commission’s (“the **SAHRC**”) functions in terms of PAIA will be transferred to the Information Regulator. The SAHRC will however still retain its constitutional obligation to promote, protect and monitor the right of access to information as rights enshrined in the Constitution of the Republic of South Africa.

5. DESCRIPTION OF THE GUIDE ON HOW TO USE PAIA PREPARED BY THE SAHRC (“THE GUIDE”) AND THE MANNER IN OBTAINING ACCESS TO THE GUIDE (SECTION 51(1)(B) OF PAIA)

5.1. The SAHRC has compiled a guide in terms of section 10 of PAIA. The guide contains information required by any person wishing to exercise any right set out in PAIA.

5.2. The Guide is available in all of the official languages and is available for inspection by the public from the offices of the SAHRC at:

Braampark Forum 3

33 Hoofd Street

Braamfontein

Telephone number: 011 877 3600

OR on its website – www.sahrc.org.za

6. CATEGORIES OF RECORDS OF ATTERBURY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA (SECTION 51(91)(C) OF PAIA)

6.1. Records that are automatically available in terms of the Companies Act, No. 71 of 2008.

6.2. All information freely available on Atterbury’s website, namely www.atterbury.co.za, are automatically available to any person requesting the information and it is therefore not necessary to apply for access thereto in terms of PAIA.

7. DESCRIPTION OF RECORDS OF ATTERBURY WHICH IS AVAILABLE IN ACCORDANCE WITH ANY LEGISLATION OTHER THAN PAIA (SECTION 51(1)(D) OF PAIA)

7.1. Basic Conditions of Employment Act, Act 75 of 1997;

7.2. Companies Act, Act 71 of 2008;

7.3. Compensation for Occupational Injuries and Disease Act, Act 130 of 1993;

7.4. Employment Equity Act, Act 55 of 1998;

7.5. Income Tax Act, Act 58 of 1962;

- 7.6. Labour Relations Act, Act 66 of 1995;
- 7.7. Skills Development Act, Act 9 of 1999;
- 7.8. Unemployment Insurance Act, Act 63 of 1962;
- 7.9. Value Added Tax Act, Act 89 of 1991.

8. INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(E) (SUBJECT TO CLAUSE 10 OF THIS MANUAL AND CHAPTER 4 OF PAIA)

8.1. Records under the Companies Act

- Memorandum of Incorporation
- Minutes of meetings of the Board of Directors
- Minutes of meetings of Shareholders
- Records relating to the appointment of Directors, Auditors, Secretary, Public Officer and any other Officer
- Statutory registers

8.2. Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking records, bank statements, paid cheques, electronic banking records
- Asset Register
- Rental Agreements
- Invoices

8.3. Income Tax Records

- PAYE records
- Documents issued to employees or income tax purposes
- Records of payments made to the South African Revenue Services on behalf of employees.
- All other Statutory Compliances:
 - Value Added Tax
 - Securities Transfer Tax
 - Regional Services Levies
 - Skills Development Levies
 - Unemployment Insurance Fund
 - Workmen's Compensation

8.4. Personnel Documents and Records

- Employment contracts
- Employment Equity Plan
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

9. DETAIL ON HOW TO MAKE A REQUEST (SECTION 51(1)(E) OF PAIA)

- 9.1. The requester must comply with all the procedural requirements of PAIA relating to the request for access to a record.
- 9.2. The requester must complete Form C (available on the website of SAHRC) and submit this form together with a request fee to the Information Officer at the postal address, physical address or electronic mail address under Part 2 above.
- 9.3. The prescribed form must contain sufficient particularity in order to enable the Information Officer of Atterbury to identify –
- the records requested;
 - the identity of the requester;
 - which form of access is required;
 - the postal address or electronic mail address of the requester in the Republic of South Africa.
- 9.4. In the prescribed form –
- the requester must identify the right that the requester is seeking to protect;
 - the requester must provide an explanation of why the requested record is required for the exercise or protection of any right;
 - if, in addition to a written reply, the requester wishes to be informed of the decision in respect of the request in any other manner, the requester must state the manner in which it wishes to be informed;
 - if the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer of Atterbury.
- 9.5. Atterbury will inform the requester within 30 (thirty) business days after receipt of the request of its decision whether or not to grant the request.

- 9.6. The 30 (thirty) day period may be extended with a further period of not more than 30 (thirty) business days if the request is for a large number of records or requires Atterbury to search through a large volume of records or the records are not kept at the offices of Atterbury.
- 9.7. If the request for access is granted, the notice will state the access fee (if any) to be paid upon access, the form in which the access will be given and that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure for lodging the court application.
- 9.8. If the request for access is refused, the notice will state adequate reasons for the refusal, including the provisions of PAIA relied on and will state that the requester may lodge an application with a court against the refusal for the request, and the procedure (including the period) for lodging the application.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF PAIA)

Subject to sections 7 and 70 of PAIA, the main grounds on which Atterbury may refuse a request for information as contemplated in PAIA relate to the following:

- 10.1. mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 10.2. mandatory protection of commercial information of a third party, if the record contains –
- trade secrets of that third party;
 - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - information disclosed in confidence by a third party to Atterbury if the disclosure could put that third party at a disadvantage in negotiations or prejudice that third party in commercial competition.
- 10.3. mandatory protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of any agreement;
- 10.4. mandatory protection of the safety of individuals and the protection of safety of property;
- 10.5. mandatory protection of records which would be regarded as privileged in legal proceedings;
- 10.6. the protection of the commercial activities of Atterbury which include –
- trade secrets of Atterbury;
 - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Atterbury.
 - information which, if disclosed, could put Atterbury at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by Atterbury, and which is protected by copyright except insofar as Atterbury is required to give access to a record to which access is granted in terms of PAIA; and

- research information of Atterbury or a third party on behalf of Atterbury, if the disclosure would expose the third party, Atterbury or the researcher of the subject matter of the research to serious disadvantage.

11. REMEDIES AVAILABLE ON REFUSAL OF A REQUEST FOR INFORMATION

- 11.1. Atterbury does not have an internal appeal procedure and as such, the decision made by the Information Officer of Atterbury is final.
- 11.2. If your request is denied, you are entitled to apply to a court with the appropriate jurisdiction for relief.

12. FEES AND FORM C

- 12.1. The prescribed fee for requests to private bodies is available on the website of the SAHRC.
- 12.2. Form C is available on the website of the SAHRC.

ANNEXURE A

Company Name	Registration Number
Adoscore Proprietary Limited	2016/003567/07
API Namco RF Proprietary Limited	2015/214697/07
Att MOA 20 Proprietary Limited	2014/252892/07
Attcell Proprietary Limited	2017/354748/07
Atterbury Asset Managers Proprietary Limited	2004/028980/07
Atterbury IP Company Proprietary Limited	2001/013163/07
Atterbury Management Company Proprietary Limited	2004/016760/07
Atterbury Manfou Proprietary Limited	2007/006731/07
Atterbury Mauritius Consortium Proprietary Limited	2005/042785/07
Atterbury Property Fund Proprietary Limited	2018/108991/07
Atterbury Property Proprietary Limited	1998/014055/07
Atterbury Residential Proprietary Limited	2006/002701/07
Atterbury Wedge Proprietary Limited	1997/022002/07
AttMOA 20 Proprietary Limited	2014/252892/07
AttNam Investments RF Proprietary Limited	2015/146054/07
Attstein Proprietary Limited	2005/028978/07
Bela Mall Proprietary Limited	2007/023125/07
Brookfield Inv Hazelwood 225 Proprietary Limited	2005/037066/07
Castle Gate Proprietary Limited	2008/008646/07
Claremont Offices Development Proprietary Limited	2018/066259/07
Club Medical Floor 1 Proprietary Limited	2016/003595/07
Club Medical Floor 2 Proprietary Limited	2016/005814/07
Dale Creek Investments Proprietary Limited	2017/245034/07
Diggers Development Proprietary Limited	1998/013989/07
Fatti 365 Proprietary Limited	2005/031026/07
Fatti IP Proprietary Limited	2015/164700/07
Fatti Solutions Proprietary Limited	2015/124223/07
Fountains Regional Mall Proprietary Limited	2006/032819/07
Gerhard Moerdyk Holdco Proprietary Limited	2005/033995/07
Gerhard Moerdykstraat Ontwikkeling Proprietary Limited	1992/004449/07
Happy Days Car Wash Proprietary Limited	2018/084797/07
Hillside Office Development Proprietary Limited	2018/066200/07
Hillside Offices Proprietary Limited	2007/003238/07
Imocept Proprietary Limited	2012/080808/07
King Air Industria Proprietary Limited	2016/003524/07
Kompasbaai Development Proprietary Limited	2005/016088/07
Majestic Offices Proprietary Limited	2004/013721/07
Moputso Investments No. 17 Proprietary Limited	2005/004659/07
N3 Junction Property Proprietary Limited	1962/002647/07
Newtown Motor Dealership Proprietary Limited	2008/026599/07
Nieuwtown Property Development Company Proprietary Limited	2006/027097/07
Old Mint Proprietary Limited	2010/021472/07
Rand Port Business Units Proprietary Limited	2017/082958/07
Richmond Park Development Company Proprietary Limited	2007/024008/07
Richmond Park Investment Company Proprietary Limited	2015/163183/07
Riverwalk Office Park Proprietary Limited	2005/033119/07
TalAtt Asset Managers Proprietary Limited	2017/094399/07
The Club Retail Park Proprietary Limited	1999/025629/07



Company Name	Registration Number
The Falls Wilgeheuwel Proprietary Limited	2004/016725/07
Thornhill Shopping Centre Proprietary Limited	2007/023142/07
Village Mall Proprietary Limited	2015/106142/07
Walvisbaai Investments Proprietary Limited	2015/164202/07