



AMITOF
DEVELOPMENTS (PTY) LTD

PAIA MANUAL

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1. INTRODUCTION

Amitofo Developments (Pty) Ltd (“**Amitofo**”) is a property development company, operating in the property industry. We own, operate and manage 2 shopping centres in the capacity of landlord and attend to all matters relating to the lease and maintenance of the buildings.

2. PURPOSE, SCOPE AND OBJECTIVES

This manual was drafted in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (“**PAIA**”) and is applicable to Amitofo. This manual serves to provide a guideline on which information is available and the manner in which such information may be requested from Amitofo.

3. DEFINITIONS

3.1 “**personal information**” means information relating to an identifiable natural person, including, but not limited to-

- information relating to the race, gender, national origin, age, language and birth of the person;
- information relating to the education or the financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- 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;

but excludes information about an individual who has been dead for more than 20 years;

3.2 “**record**” of, or in relation to, a public or private body, means any recorded information –

- regardless of form or medium;
- in the possession or under the control of that public or private body, as the case may be; and
- whether or not it was created by that public or private body.

4. CONTACT PARTICULARS

Name of business: Amitofo Developments (Pty) Ltd

Registration number: 2007/019756/07

Physical address: 222 Rivonia Road
Morningside Close Office Park
Sandton
2196

Postal address: PO Box 1207
Gallo Manor
2191

Telephone number: 011 234 7771

Information officer: Chantal Sebastião | chantal@smitcompliance.com

Deputy information officer: Tracy Sutherland | ops@amitofco.co.za

Website address: www.amitofco.co.za

Head of business: Johnny Huang

5. GUIDE ON HOW TO USE PAIA

A guide on how to use PAIA, as provided for in section 10 of PAIA, is available from the Information Regulator, as well as at the link below:

https://www.justice.gov.za/infoereg/docs/misc/PAIA-Guide-English_20210905.pdf

Information Regulator:

Website: <https://www.justice.gov.za/infoereg/>

Postal Address: PO Box 31533
Braamfontein
Johannesburg
2017

Telephone: 010 023 5200

Email: enquiries@inforegulator.org.za

Should your PAIA request be denied or there is no response for access to records, you may use the following email address to lodge a complaint.

Complaints: PAIAComplaints@inforegulator.org.za

6. RIGHT OF ACCESS TO A RECORD

A requester of information must be given access to any record of a private body if -

- that record is required for the exercise or protection of any rights of the requester of the information;
- such requester complies with the procedural requirements of PAIA relating to a request for access to that record; and
- access to that record is not refused in terms of any permissible ground for refusal, as contained in paragraph 12 of this manual.

7. VOLUNTARY DISCLOSURE AND INFORMATION AUTOMATICALLY AVAILABLE

Amitofo makes certain information available voluntarily, which information is freely accessible via the following means:

- Website
- Facebook
- Marketing and/or promotional material.

8. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

8.1 A request for information may include a request for access to a record containing personal information about the requester or the person on whose behalf the request is made.

8.2 Requests made for personal information from Amitofo have to comply with the provisions

of POPI in that Amitofo has to be made aware of the following:

- 8.2.1 Specifics of the information requested, including the category of information
 - 8.2.2 Name and address of the requester/data subject
 - 8.2.3 The purpose for the collection of the information
 - 8.2.4 Whether the information required is voluntary or mandatory
 - 8.2.5 Whether there are any consequences of failure to provide information to the requester
 - 8.2.6 Stipulate any law authorising the collection of information
 - 8.2.7 The recipients or categories of recipients of the information
 - 8.2.8 Whether the information will transfer internationally
 - 8.2.9 A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.
- 8.3 Information that is not readily available to immediately access by a private body, may be requested on the prescribed form (form 2 of Annexure A of the PAIA Regulations), as per PAIA.
- 8.4 In the case of Amitofo, such request must be addressed to Amitofo, using the contact details provided in this manual.
- 8.5 The prescribed form 2 of Annexure A of the PAIA Regulations on which the request is made must at least contain the following information:
- Personal information of the person requester;
 - Type of record requested;
 - Which form of access is required;
 - The manner of access;
 - Particulars of the right to be exercised or protected; and
 - Fees payable.

8.6 Copies of the prescribed form 2 of Annexure A to be completed for submitting a request are available from Amitofo or the Information Regulator.

9. FEES IN TERMS OF A REQUEST FOR ACCESS TO INFORMATION

9.1 The head of Amitofo to whom a request for access to information is made shall require the requester to pay the prescribed request fee (if any) before processing the request.

9.2 If, after a request for a record from Amitofo, the search for such record has been made and the preparation of the record for disclosure would, in the opinion of the head of Amitofo, require more than six hours, the head of Amitofo shall by notice require the requester to pay as a deposit the prescribed portion (being not more than one third) of the prescribed fee which would be payable if the request were to be granted.

9.3 If a deposit has been paid in respect of a request for access which is refused, the head of Amitofo shall repay the deposit to the requester.

9.4 The head of Amitofo may withhold a record until the requester concerned has paid the applicable fees (if any).

10. INFORMATION AVAILABLE IN TERMS OF PAIA

10.1 The requester may apply, on the prescribed form 2 of Annexure A of the PAIA Regulations and in accordance with the procedure set out in this manual, for access to the following categories of information, provided that the request for information of these records is for purposes of a trial, investigation, protection of a right or any other legitimate reason which would not prejudice Amitofo in any way:

- Personnel records, which include employment contracts and payroll information;
- Customer records, which include contact details, contracts, correspondence and financial records for service providers of Amitofo;
- Amitofo records, which include, inter alia, all business, marketing, financial and/or IT records;

- Other party records, which include any record which does not belong to Amitofo but is in the Amitofo's possession.

10.2 Access to these records may be limited or refused in order to protect any individual's or company's right to privacy (if so required in Amitofo's discretion), alternatively, access to these records may be refused subject to the grounds of refusal set out in paragraph 12 of this manual.

11. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Certain information or records may be requested from Amitofo and must be made available in terms of laws other than PAIA, such as the following –

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Occupational Health and Safety Act 85 of 1993
- South African Revenue Services Act 34 of 1997
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Broad-based Black Economic Empowerment Act 53 of 2003

The information or records may include but is not limited to the tax clearance certificate, B-BBEE certificate, privacy policy in terms of POPI, VAT number and employment equity report. In making a decision as to whether or not to grant access to the requested information or records, Amitofo will use its discretion so as to ensure that it protects its right to privacy and does not infringe on any person's rights by providing access. In other words, access will only be provided in the instance that its right to privacy is not infringed and no one else's right to privacy is infringed.

12. GROUNDS FOR REFUSAL TO ACCESS TO RECORDS

Amitofo may legitimately, in terms of chapter 4 of PAIA, refuse a request for information on, inter alia, any of the following grounds:

- Protection of personal information, including the right to privacy of Amitofo, any employee of Amitofo, or any third party, in order to avoid the unreasonable disclosure of personal information concerning that person. Amitofo may use its discretion as to whether a person's right to privacy might be affected by granting access to such records;
- Protection of the commercial information of Amitofo or a third party;
- Protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of any agreement or legislation;
- Protection of the safety of individuals or the protection of property;
- Protection of records which would be privileged from production in legal proceedings;
- Protection of Amitofo's commercial activities including but not limited to records that contain trade secrets, financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Amitofo's commercial or financial interests;
- Protection of research information of Amitofo or a third party, if disclosure would expose the identity of Amitofo or the third party, the researcher or the subject matter of the research to serious disadvantage; or
- Requests for information that are, in Amitofo's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

13. COMPLIANCE WITH THE PROTECTION OF PERSONAL INFORMATION ACT

Amitofo will maintain the documentation of all processing operations under its responsibility, compliant with the Protection of Personal Information Act 4 of 2013. Amitofo does not intend to transfer personal information across South African borders.

14. AVAILABILITY OF PAIA MANUAL

Copies of this manual are available for inspection, upon request and free of charge, at the offices of Amitofo and on Amitofo's website.

Issued by Johnny Huang

Director