

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000**

**PROTECTION OF PERSONAL INFORMATION ACT,
ACT 4 OF 2013**

MANUAL

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AUTHORISATION

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DISTRIBUTION

All Octodec staff as required.

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1. INTRODUCTION

- 1.1 Octodec Investments Limited (“Octodec”) is a real estate investment trust (REIT) and is included in the two main JSE property indices and has the most significant residential property portfolio among the REITs listed on the JSE.
- 1.2 Octodec is a property owner with investments in the residential, commercial, industrial and retail market segments of the Tshwane and Johannesburg CBDs and surrounding areas. Octodec offers living, working, socialising, eating and shopping spaces aimed at an emerging middle class, government, retailers and small entrepreneurs.
- 1.3 Octodec has appointed City Property Administration Proprietary Limited as property and asset manager for Octodec’s property portfolio.
- 1.4 Promotion of Access to Information Act, Act No. 2 of 2000 (“PAIA”) gives third parties the right to approach public bodies to request information held by them, which is required in the exercise and/or protection of any rights. On request, the public body is obliged to release such information unless expressly stated not to do so.
- 1.5 This manual further sets out the process and conditions as set out under the Protection of Personal Information Act, Act No. 4 of 2013 (“POPIA”), in respect of access to a data subject’s personal information (as defined) that any responsible party and/or operator has record of.

2. CONTACT DETAILS

Company:	Octodec Investments Limited
Registration Number:	1956/002868/06
Directors:	S Wapnick (Chairman) RWR Buchholz DP Cohen NC Mabunda EMC Mojapelo MZ Pollack A Vieira PJ Strydom LP van Breda JP Wapnick (CEO)
Designated Information Officer	JP Wapnick
(for the purposes of PAIA):	<u>cosec@octodec.co.za</u>
Postal Address:	PO Box 15, Pretoria, 0001

Registered Address: CPA House, 101 Du Toit Street, Pretoria, 0002
Telephone number: 012 357 1564
Facsimile number: 012 319 8812
Website: www.octodec.co.za
General Enquiries: info@octodec.co.za

3. THE ACTS

- 3.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 POPIA grants a data subject the right to confirm, free of charge, whether or not the company holds personal information about the data subject and may further request the company to provide the record or a description of the personal information about the data subject it holds, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 3.3 Requests in terms of PAIA and/or POPIA shall be made in accordance with the prescribed procedures, at the rates provided in the Acts and related regulations.
- 3.4 Requesters are referred to the Information Regulator for guidance on what information and processes to follow for the purposes of exercising Constitutional Rights. The contact details of the Information Regulator are:

Complaints Email Address:	Complaints.IR@justice.gov.za
Postal Address:	P.O Box 31533, Braamfontein, Johannesburg, 2017
Registered Address:	JD House, 27 Stiemens Streets, Braamfontein, Johannesburg, 2001
Website:	www.justice.gov.za
General Enquiries:	infoereg@justice.gov.za

4. APPLICABLE LEGISLATION

- 4.1 Octodec is not obliged to publish a notice in terms of Section 52(2) of PAIA and to date has not elected to do so.
- 4.2 Octodec however does make certain information freely available to the public in various brochures, press releases, publications and on its website at www.octodec.co.za. Certain information is also made available to employees of Octodec, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained by Octodec's employees from the information officer.
- 4.3 Legislation applicable to Octodec are as follows:

No.	Ref.	Act
1	No. 75 of 1997	Basic Conditions of Employment Act
2	No. 53 of 2003	Broad-Based Black Economic Empowerment Act
3	No. 71 of 2008	Companies Act
4	No. 130 of 1993	Compensation for Occupational Injuries and Diseases Act
5	No. 89 of 1998	Competition Act
6	No. 68 of 2008	Consumer Protection Act
7	No. 98 of 1978	Copyright Act
8	No. 25 of 2002	Electronic Communications and Transactions Act
9	No. 55 of 1998	Employment Equity Act
10	No. 35 of 2000	Finance Act
11	No. 58 of 1962	Income Tax Act
12	No. 66 of 1995	Labour Relations Act
13	No. 103 of 1977	National Building Regulations and Building Standards Act
14	No. 107 of 1998	National Environmental Management Act
15	No. 24 of 1956	Pension Funds Act
16	No. 12 of 2004	Prevention and Combatting of Corrupt Activities Act
17	No. 2 of 2000	Promotion of Access to Information Act
18	No. 4 of 2013	Protection of Personal Information Act
19	No. 85 of 1993	Occupational Health and Safety Act
20	No. 9 of 1999	Skills Development Act
21	No. 1 of 1985	Stock Exchange Control Act
22	No. 38 of 1996	Tax on Retirement Funds Act
23	No. 194 of 1993	Trade Marks Act

24	No. 4 of 2002	Unemployment Contributions Act
25	No. 63 of 2001	Unemployment Insurance Act
26	No. 89 of 1991	Value-Added Tax Act

5. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES

5.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure set out in paragraph **Error! Reference source not found.**–

- 5.1.1. Personnel records are available to the employee whose file it is.
- 5.1.2. Records of disciplinary hearings and related matters are available to the employee concerned.
- 5.1.3. Octodec’s policies and procedures.

5.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure set out in paragraph **Error! Reference source not found.** –

- 5.2.1. Octodec’s employment equity plan.
- 5.2.2. Octodec’s skills development plan.

6. SUBJECTS AND CATEGORIES OF RECORDS HELD

6.1 Please note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in PAIA.

6.2 Octodec maintains records on the following categories and subject matters.

Companies Act	<ul style="list-style-type: none"> • Documents of Incorporation • Memoranda of Incorporation • Minutes of Board of Directors meetings • Minutes of meetings of the Sub-Committees of the Board • Round robin resolutions adopted by the Board of Directors • Round robin resolutions adopted by the Sub-Committees of the Board
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	<ul style="list-style-type: none"> • Records relating to the appointment of directors/auditors/secretary/public officer and other officers • Share Register and other statutory registers • Company Policies and Procedures • Compliance Reports • Trademarks • Licenses • Internal correspondence
Financial Records	<ul style="list-style-type: none"> • Annual Financial Statements • Tax Returns • Accounting Records • Banking Records, Bank Statements, Paid Cheques, Electronic Banking Records • Asset Register • Rental Agreements • Invoices • Management Accounts
Income Tax Records	<ul style="list-style-type: none"> • PAYE Records • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees • All other statutory compliances: <ul style="list-style-type: none"> ○ VAT ○ Regional Services Levies ○ Skills Development Levies ○ UIF ○ Workmen's Compensation
Personnel Documents and Records	<ul style="list-style-type: none"> • Employment Contracts • Employment Equity Reports • Staff Recruitment Policies • Remuneration Records and Policies • Skills Development Reports • Disciplinary Policy, Procedures and Records • Medical Aid Records • Pension Fund Records • Leave Records • Training Records and Manuals
Operational Records	<ul style="list-style-type: none"> • Service Records • Management Agreements

	<ul style="list-style-type: none">• Lease Agreements• Service Provider Contracts• Management Reports
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7. FORM OF REQUEST

- 7.1 Requests for access to records held by Octodec must be made on the prescribed Form and submitted to the information officer at the address, fax number or electronic mail address provided. A sample of the prescribed form is included as a schedule to this manual.
- 7.2 On the prescribed Form, the requester must provide sufficient detail to enable the Information Officer to identify the record(s) and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 7.3 It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provide an explanation on why the requested record is required for the exercise or protection of that right.
- 7.4 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 information officer.
- 7.5 If a requester does not use the standard prescribed Form, the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.
- 7.6 Please note that the requester is required to pay the prescribed request fee, which fee must be paid with submission of the completed Form.
- 7.7 Kindly note that all requests to Octodec will be evaluated and considered in accordance with the Act. Publication of this manual and describing the information held by Octodec does not give rise to any rights to access such information or records, except in terms of the Act.

8. PRESCRIBED FEES

- 8.1 The following applies to requests (other than personal requests):
- 8.1.1. A requester is required to pay the prescribed fees before a request will be processed.
- 8.1.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 8.1.3. A requester may lodge an application with a court against the tender / payment of the request fee and/or deposit.

8.1.4. Records may be withheld until the fees have been paid.

8.1.5. The breakdown of fees for reproduction of records are as follows:

Document	Fee payable
Copy per A4 page or part thereof	R 1.10
Printing per A4 page or part thereof held on a computer or in electronic or machine-readable form	75 cents
Copy on stiffer disc	R 7.50
Copy on a CD	R 70.00
Transcription of visual images per A4 page	R 40.00
Copy of a visual image	R 60.00
Transcription of an audio recording per A4 page	R 20.00
Copy of an audio recording	R 30.00
Actual postage fee	

8.1.6. Value-Added Tax is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

8.1.7. Requesters are also required to pay fees for accessing the records of private bodies, which includes fees associated with the search for, preparation of and reproduction of documents. The access fees payable by a requester, unless exempted under PAIA, are as follows:

Document	Fee payable
Copy per A4 page or part thereof	R 1.10
Printing per A4 page or part thereof held on a computer or in electronic or machine-readable form	75 cents
Copy on stiffer disc	R 7.50
Copy on a CD	R 70.00
Transcription of visual images per A4 page	R 40.00
Copy of a visual image	R 60.00
Transcription of an audio recording per A4 page	R 20.00
Copy of an audio recording	R 30.00
Search and preparation of the record for disclosure [per hour or part thereof, excluding the first hour, reasonably required for the search and preparation]	R 30.00
Actual postage fee	

9. INFORMATION OR RECORDS NOT FOUND

- 9.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the company or the designated information officer will notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 9.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company or the request liaison officer with every person who conducted the search.
- 9.3 The notice, as set out in paragraph 9.1 shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 9.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the company or the designated information officer.
- 9.5 The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of PAIA in terms of which the company may refuse, on certain specified grounds, to provide information to the requester.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 10.1 The reference, in this document, to any information in addition to that specifically required in terms of any act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Acts.
- 10.2 The Information Officer or Deputy may refuse access for information for the following reasons:
- 10.2.1. Where the disclosure would amount to an unreasonable disclosure of personal information.
- 10.2.2. Where the disclosure would amount to disclosure of the trade secrets of a third party.
- 10.2.3. Where the disclosure would lead to a revelation of financial, commercial, scientific or technical information of a third party.
- 10.2.4. Where such information was supplied in confidence by a third party.
- 10.2.5. Where the disclosure would breach the duty of confidence owed to a third party.
- 10.2.6. Where the disclosure would endanger the life or physical safety of an individual.
- 10.2.7. If the disclosure is prohibited under the Criminal Procedure Act.

10.2.8. If the disclosure is privileged under legal proceedings or research conducted by or on behalf of a third party; and

10.2.9. Where the disclosure would compromise the investigation where proceedings are pending.

10.3 The following grounds of discretionary refusal will apply:

10.3.1. Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future.

10.3.2. Where the record contains information around crime prevention, detection and prosecution of alleged offenders.

10.3.3. Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty; and

10.3.4. Where the request is frivolous or vexatious.

11. CORRECTION / DELETION OF PERSONAL INFORMATION

11.1 A data subject who wishes to object to the processing of personal information, must submit the objection to Octodec, on the prescribed Form included as a schedule to this document.

12. OBJECTIONS TO THE PROCESSING OF PERSONAL INFORMATION

12.1 A data subject who wishes to correct or delete its/their personal information must submit the objection to Octodec on the prescribed Form, included as a schedule to this document.

13. UPDATING OF THE MANUAL

13.1 Octodec will on a regular basis update this manual, if necessary, and publish the revised manual.

14. AVAILABILITY OF THE MANUAL

14.1 This manual is available for inspection at CPA House, 101 Du Toit Street, Pretoria.

14.2 This manual is available free of charge.

14.3 This manual is to be handed to the Information Regulator.

14.4 This manual is to be made available on the website of Octodec at www.octodec.co.za.

SCHEDULE:

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 4]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identify number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed only if the request for information is made on behalf of another person.

Full names and surname:

Identify number:

D. Particulars of record

- (a) *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.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. **The request must sign all the additional folios.***

Description of the record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

- (a) 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.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason therefor.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

Mark the appropriate box with an "X":

NOTES:

- (a) Your indication as the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form –
7.1.1

Copy of record*	Inspection of record
-----------------	----------------------

2. If record consists of visual images –
7.1.2 (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)
7.1.3

	View the images		Copy of the images*		Transcription of the images *	
3. If record consists of recorded words or information which can be reproduced in sound – 7.1.4						
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form – 7.1.5						
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)	
* If you requested a copy or transaction of a record (above), do you wish the copy or transcription to be posted to you?					YES	NO
A postal fee is payable.						

G. Particulars of right to be exercised or protected

*If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

Indicate which right is to be exercised or protected:

**FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may 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.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

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STAATSKOERANT, 14 DESEMBER 2018

No. 42110 13

Signed at this day of 20.....

.....
Signature of data subject/designated person

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, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may 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.
3. Complete as is applicable.

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
Name(s) and surname / registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

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Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)

Signed at this day of20.....

.....
Signature of data subject/ designated person

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APPROVED BY THE BOARD ON 20 DECEMBER 2021