

**Manual prepared in accordance with section 51
of the Promotion of Access to Information
Act No 2 of 2000**



("the Act")

**RUSSELL PEARSON PROPERTIES CC
t/a RE/MAX PEAK**

(Registration no. CK2004/117266/23)

Company Overview

RUSSELL PEARSON PROPERTIES CC t/a RE/MAX PEAK conducts business as estate agents and brokers of residential and commercial property.

Part I

Information required under section 51(1)(a) of the act)

Name of Body: **RUSSELL PEARSON PROPERTIES CC t/a RE/MAX PEAK**

Physical Address: RE/MAX Peak House
Tokai Business Park
13a Keyser River Drive
Tokai, 7945

Postal Address: P O Box 30776, Tokai, 7966

Head Of Body: Russell Pearson

Information Officer: Lindsey Leeuw

Telephone No: (021) 712 7085

Fax No: (021) 712 6196

Email: info@remax-peak.co.za

Website: www.remax-peak.co.za

Part II

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za. Any queries should be directed to:

**The South African Human Rights Commissioner:
PAIA Unit, The Research and Documentation Department**

Postal Address: Private Bag 2700
Houghton, 2070

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Part III

(Copy of notice, if any, required under section 51(1)(c) of the Act)

Currently not applicable.

Part IV

(Information required under section 51(1)(d) and (e) of the Act)

For the purposes of this manual and the Act, the records held by **RUSSELL PEARSON PROPERTIES CC t/a RE/MAX PEAK** are categorised by the nature of the content thereof as follows:

4.1 Records kept in accordance with other legislation but not limited to:

- Companies Act 61 of 1973;
- Estate Agents Affairs Act 112 of 1976;
- Deeds Registries Act 47 of 1937;
- Income Tax Act 58 of 1962;
- Regional Services Councils Act 109 of 1985;
- Unemployment Insurance Act 63 of 2001;
- Value Added Tax Act 89 of 1991;
- Pension Funds Act 24 of 1956;
- Medical Schemes Act 131 of 1998;
- Copyright Act 98 of 1978;
- Labour Relations Act 66 of 1995;
- Basic Conditions of Employment Act 75 of 1997;
- Employment Equity Act 55 of 1998;
- Skills Development Levies Act 9 of 1999;

The above records which are of public nature are available automatically without a person having to request access thereto in terms of the Act, as envisaged in Section 52.

4.2 Records relating to the marketing, promotion and advertising of **RUSSELL PEARSON PROPERTIES CC t/a RE/MAX PEAK** as well as advertisements and promotional records pertaining to properties marketed and sold.

4.3 Such information as is required for the day to day running of the business, including internal telephone lists, franchise phone and address lists, conveyancing phone lists; bank consultants phone lists; company policies and procedures; RE/MAX SA policies and procedures; Estate Agents' Affairs Board Agreements; EAAB Code of Conduct; directives; policy documents, directives, contracts with suppliers, contracts with service providers, contracts with consultants, equipment contracts and leases, property lease, employee records, accounting records, banking records, fidelity certificates, trade licenses, necessary authorisations and approvals, insurance policies and registration certificates.

4.4 Records and correspondence between persons within and outside the company e.g. internal written departmental memos and minutes of meetings.

4.5 The website address of **RUSSELL PEARSON PROPERTIES CC t/a RE/MAX PEAK** is www.remax-peak.co.za and is accessible to anyone who has access to the internet. The website contains information in various categories relating to the company and its contact particulars.

A. The Request Procedure

I Form of Request

- The requester must have the prescribed form of being **Schedule 1** hereto to make the request for access to a record. This must be made to the head. This request must be made to the address, fax number or electronic mail address of **RUSSELL PEARSON PROPERTIES t/a RE/MAX PEAK**.
- The requester must provide sufficient detail on the request form to enable the head to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in the republic. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

- The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise of protection of the right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head.

II 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 head must by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request
- The fee that the requester must pay is R50.00. The requester may lodge an application to the Court against the tender or payment of the request fee.
- After the head 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 reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Part V

(Other information as may be prescribed required under section 51(1)(f))

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

Part VI

(Availability of manual under Section 51 (3))

- An unabridged version of this manual is available for inspection by the general public upon request, during office hours and free of charge at the office of **RUSSELL PEARSON PROPERTIES CC t/a RE/MAX PEAK**
- Copies may also be requested from the South African Human Rights Commission.

Part VII

(Prescribed form and fee structure in respect of private bodies)

The forms and fee structure prescribed under the Act are available at the website of the Department of Justice and Constitutional Development (www.doi.gov.za) under the "regulations" section as well as the SAHRC website (www.sahrc.org.za).

Annexure A

Schedule 1

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 10]

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 given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

.....

Identity 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 a request for information is made on behalf of another person.

Full names and surname:

.....

Identity 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 requester must sign all the additional folios.***

- 1. Description of record or relevant part of the record:.....
.....
.....
.....
- 2. Reference number, if available:.....
- 3. 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 for exemption.*

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) Compliance with your request in the specified form may depend 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:

<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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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.***

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

.....

.....

Signed at..... this day of 20.....

.....

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF
REQUEST IS MADE

Annexure B

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

3. Access fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure "A" to the Regulations.

4. Other fees

- 4.1 A request fee³ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee⁴ may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1 Section 52(3) and Regulation 1(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2).

4 Annexure "A", Part III, Item 4(1)(f).

5 Section 54(2).

PART III
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof.....	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof.....	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof.....	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof.....	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof.....	20,00
(ii) For a copy of an audio record.....	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

(2) For purposes of section 54 (2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.