



Information Manual

Prepared in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

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1. Introduction

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, Eris Property Group is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

This manual informs requesters of procedural and other requirements, which a request must meet, as prescribed by the Act. This manual has therefore been prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA") and updated in the light of the Protection of Personal Information Act 4 of 2013 ("POPIA"). It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution of the Republic of South Africa.

This manual is available for inspection, free of charge, at the physical address of Eris Property Group and is available on our website. The manual is reviewed annually.

Eris Property Group falls within the definition of a private body per PAIA; therefore the sections pertaining to private bodies will be applicable.

The Protection of Personal Information Act 4 of 2013

Section 55(2) of POPIA requires Momentum Group Limited ("Momentum") and its subsidiaries, which includes Eris Property Group, to register its Information Officer and Deputy Information Officers with the Information Regulator before taking up their respective duties in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

Regulation 4(1)(c) of the POPIA Regulations confirms the publication requirement of PAIA when it stipulates that "...a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 15 of PAIA." The requirement for a manual is then extended to include POPIA requirements when section 17 of POPIA provides that a "...responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 and 51 of the Promotion of Access to Information Act".

The purpose of this manual is to provide assurance to the regulator and the public on the processes at Eris Property Group to avail information to requesters and that Eris Property Group complies with the requirements of both PAIA and POPIA.

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with any other rights, including such rights contained in the Bill of Rights in the Constitution of the Republic of South Africa.

2. Contact details and applicability

Physical address

The Marc Tower 2
Floor 2
129 Rivonia Road
Sandown
Johannesburg
2196

Postal address

P O Box 786130
Sandton Central
2146

Information Officer (PAIA): Douw Lotter

Email Address: douw.lotter@mmltd.co.za
Telephone Number: +27 (0) 12 673 7569
Website: www.eris.co.za

Deputy Information Officer: Jenny Fullaway

jfullaway@eris.co.za
+27 (0) 11 775 1315

PAIA Email

Email Address: paia@eris.co.za

This manual applies to Eris Property Group and all its South African based subsidiary companies as registered at the date of the enquiry. For ease of reference, below is a non-exhaustive list of some of the entity names:

- Eris Property Group (Pty) Ltd
- Eris Property Holdings (Pty) Ltd
- Eris Investment Holdings (Pty) Ltd
- Kambanji EPG (Pty) Ltd
- Stonewood Properties (Pty) Ltd

Access to the records of any subsidiary company, associate or joint venture of Eris Property Group not listed in this manual may be requested from the Deputy Information Officer.

3. The Information Regulator of South Africa

The Information Regulator is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

Postal Address:

The Information Regulator (South Africa)
PO Box 31533
Braamfontein
2017

Telephone Number: +27 (0) 10 023 5200
 Email Address: nforeg@justice.gov.za
 Website: <https://infoeregulator.org.za>

4. Subjects and categories on which records are held

Products and Services	
Property Management and Leasing Services	Facilities Management Services
Valuation Services	Transaction and Advisory Services
Asset Management Services	Leasing and Investment Broking Services
Property Development Services	Investment and Fund Management Services
Company Records	
Finance and supporting documentation	Human Resources
Information Technology	Marketing
All records kept in terms of law related to managing legal entities of Eris Property Group	

Data Subjects on which records are held	
Shareholders	Subsidiary companies
Board Members	Advisors
Directors	Independent Brokers
Employees*	Clients **
Tenants **	Banking Institutions
Consultants	External companies/contractors
Investors	Service providers

The following records are held in respect of the above-mentioned Data Subjects (where applicable)	
Confidential	Group/company financials
Operational	Group/company departments
Business	Strategy
Group/company structure	Shareholders
Investors	External Companies
Subsidiary companies	Brokers
Clients**	Directors
Official/Legal	Employees*
Contracts	Banking Institutions
Personal	Tenants**
Commercial	Services
Financial	Rules of Funds
Group/company incorporation	

*Refer to Section 4.1 below for more detail.

**Refer to Section 4.2 below for more detail.

The accessibility of the documents listed below may be subject to the grounds of refusal as set out in this manual.

4.1 Employee Records *

“Employee” refers to any person who works for or provides services to or on behalf of Eris Property Group and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Eris Property Group and includes, without limitation, directors (executive and non-executive), all permanent and part-time staff, as well as contract workers. The accessibility of the following documents may be subject to the grounds of refusal:

- Personal records provided by employees;
- Records provided by a third party relating to employees;
- Conditions of employment and other employee-related contractual and would-be-legal records;
- Correspondence relating to employees;
- Attendance registers; and
- Training schedules/s and material.

4.2 Clients and Tenant Records **

A “client” and “tenant” refers to any natural or juristic entity that receives services from Eris Property Group. The accessibility of the following documents may be subject to the grounds of refusal:

- Records provided by a client or tenant to an intermediary (such as a broker);
- Records provided by a third party;
- Contract documents;
- Applications;
- Amendments;
- Services records;
- Operational records;
- Databases;
- General information; and
- Records generated by/within Eris Property Group relating to clients and/or tenants, including financial transactional records.

4.3 Other records

The accessibility of the following documents held pertaining to Eris Property Group’s own affairs may be subject to the grounds of refusal:

- Company Secretarial records
- Services records
- Operational records
- Financial records
- Databases
- Information technology
- Marketing records
- Internal correspondence
- Internal Policies and Procedures
- Contractors

- Consultants
- Employees
- Directors
- Shareholders
- Intermediaries
- Service Providers

For more detail on the scope of processing of personal information in terms of POPIA, refer to the Eris Property Privacy Policy that is available on our website.

5. Records available in accordance with other legislation

A requester may also request information that is available in terms of the following legislation:

- Basic Conditions of Employment Act, 75 of 1997
- Companies Act 61 of 1973
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Competitions Amendment Act 18 of 2018
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Property Practitioners Act 22 of 2019
- Financial Intelligence Centre Amendment Act 1 of 2017
- Income Tax Act 58 of 1991
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- National Environmental Management Act of 1998
- National Payment System Act 78 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Fund Act 24 of 1956
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Sectional Titles Schemes Management Act 8 of 2011
- Skills Development Levies Act 9 of 1999
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contribution Act 4 of 2002
- Value-Added Tax Act 89 of 1991

6. Access to records held by Eris Property Group

Records held by Eris Property Group will be accessed only once the prerequisite requirements for access have been met by a requester. A requester is any person making a request for access to a record of or held by Eris Property Group. There are two types of requesters:

6.1 Personal requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester.

Eris Property Group will voluntarily provide the requested information or give access to any record with regards to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

6.2 Other requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Eris Property Group is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

7. Measures implemented to ensure the confidentiality, integrity, and availability of the information to be processed

Information Security

The confidentiality and protection of a client's data is a high priority for Eris Property Group. Information Security deals with Eris Property Group Information, IT and Cyber security capability and practices.

Information Security specifically deals with the upholding of:

- Confidentiality - Ensuring that the relevant information is accessible only by parties who are authorised to have access to the correct information at the right time.
- Integrity: Upholding the integrity of the information to ensure that accurate and complete data is processed, to ensure a consistent and reliable outcome with no bias or discrimination.
- Availability: The availability of the relevant data for the right time period by only the right individuals (users) to the right data and associated assets when required.

Information security is implemented in Eris Property Group through robust, repeatable, and tested processes with well-defined responsibilities and controls in place. Policies, Standards, controls, roles and responsibilities, reporting structures and escalation structures have been put in place to ensure that information security is consistently evaluated and reported on. Information Security is implemented by means of the following:

- A trusted intelligent and support network team that extends outside the organisation.
- A dedicated task team with pro-active monitoring.
- Rules that are set for secure conduct and for earning trust.
- Adequate monitoring, detection (and reporting) capabilities are maintained.
- Reporting and escalation structures in place to the executive committee.
- Processes that are repeatable and followed by all involved parties in all instances.
- Organisation wide training and awareness.

- Organised responses to incidents through a dedicated team which are effective and follows through into a debrief and learning.

8. Request procedure

- 8.1 A requester requiring access to information held by an Eris Property Group entity, must complete the prescribed "Form 2 - PAIA" published on the Eris Property Group Website.
- 8.2 Submit the completed form to the Deputy Information Officer at the postal or physical address or PAIA electronic mail address recorded in paragraph 2 of this manual.
- 8.3 The prescribed form must be completed with enough detail to at least enable the Deputy Information Officer to identify:
 - The record or records requested;
 - The identity number of the requester;
 - The form of access required, if the request is granted; and
 - The email address or postal address of the requester.
- 8.4 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Deputy Information Officer. The proof of the capacity in which the requester is making the request must be submitted together with "Form 2 – PAIA".
- 8.5 The requester must state that he/she requires the information in order to exercise or protect a right per the South African Constitution, and clearly state what the nature of that right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 8.6 Eris Property Group will process the request within 30 days of receipt, unless the requester has stated special reasons which would satisfy the Deputy Information Officer that circumstances dictate that the above time periods could not be complied with.
- 8.7 The requester will be informed via "Form 3 – PAIA" on the outcome of the request and of fees payable. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 8.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally to the Deputy Information Officer.
- 8.9 Where applicable, the requester must pay the prescribed fee, as indicated on "Form 3 – PAIA" received from the Deputy Information Officer, before any further processing will take place.

9. Decision

9.1 Eris Property Group will, within 30 days of receipt of the request, respond to the request with “Form 3 – PAIA” indicating the outcome of the request.

9.2 The 30-day period with which Eris Property Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of Eris Property Group and the information cannot reasonably be obtained within the original 30 day period. The Deputy Information Officer will notify the requester in writing should an extension be sought.

10. Grounds for refusal of access to records

Eris Property Group may refuse a request for information based on 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 the 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 interest of that third party; and
- Information disclosed in confidence by a third party to Eris Property Group, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

10.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.

10.4 Mandatory protection of the safety of individuals and the protection of property.

10.5 Mandatory protection of records which would be regarded as privileged in legal proceedings.

10.6 The commercial activities of Eris Property Group, which may include:

- Trade secrets of Eris Property Group;
- Financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of Eris Property Group;
- Information which, if disclosed, could put Eris Property Group at a disadvantage in negotiations or commercial competition; and
- A computer program which is owned by Eris Property Group and which is protected by copyright.

10.7 Requests for information that is clearly frivolous, or which involve an unreasonable diversion of resources shall be refused.

If the request is:

- **Granted:** Where applicable, the notification will state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
- **Declined:** The notification will include adequate reasons for the decision, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requester wish to apply to court against the decision.

The Deputy Information Officer's failure to respond to the requester within the thirty-day period constitutes a deemed refusal of the request.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

11. Remedies available when Eris Property Group refuses a request for information

11.1 Internal Remedies

Eris Properties Group does not have internal appeal procedures. Therefore, the decision made by the Deputy Information Officer is final. Requesters who are dissatisfied with the decision of the Deputy Information Officer will have to exercise external remedies at their disposal.

11.2 External Remedies

A requester or a third party who is dissatisfied with a Deputy Information Officer's refusal to disclose information or the disclosed information may, within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court or similar status for relief.

12. Fees

12.1 The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which will be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

12.2 The Deputy Information Officer can withhold a record until the requester has paid the fees as indicated.

12.3 A requester whose request for access to a record has been granted, must pay an access fee for reproduction, for search and preparation of the record(s) for disclosure including making arrangements to make it available in the requested format.

NOTE: Not requesting a fee will be at the discretion of the Deputy Information Officer.
