HOME GROWN ROOTED LIVING (PTY) LTD

(Registration number 2018/535707/07)

The Manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 (“PAIA”), and compiled to address the requirements of the Protection of Personal Information Act, 2013 (POPIA).

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1. List of Acronyms and Abbreviations

1.1 **Conditions for lawful processing** means the conditions for the lawful processing of Personal Information as fully set out in Chapter 3 of POPIA;

1.2 **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

1.3 **Constitution** means the Constitution of the Republic of South Africa, 1996;

1.4 **Data subject** is the natural or juristic person whom the personal information relates;

1.5 **Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1)(c) of the POPIA Regulations;

1.6 **Personal information** has the meaning ascribed thereto in section 1 of POPIA;

1.7 **Private body** means the entity to which this manual applies as it appears on the front page of this manual;

1.8 **Processing** has the meaning ascribed thereto in section 1 of POPIA;

1.9 **Responsible party** is the entity that needs the personal information for a particular reason and determines the purpose of and means for processing the personal information;

1.10 **Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal information.

2. About Home Grown Rooted Living (Pty) Ltd

Home Grown Rooted Living was birthed out of a desire to fill a gap in the market by providing a standard of excellence that our clients are so desperately seeking.

Our vision is to become the most loved, most trusted and most successful real estate company, making a difference both in South Africa and globally.

Buying, selling, leasing and property management (residential and commercial) – we do it all!

3. Introduction

3.1 The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as “the Act”) came into effect on 9 March 2001. The purpose of the Act is to give effect to Section 32(2) of the Constitution, which provides that any person has a right to gain access to any

information held by a public or private body. If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.

3.2 In terms of Section 51 of the Act, all Private bodies are required to compile an Information Manual ("PAIA Manual").

3.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides the information may or must not be released. The Act sets out the requisite procedural issues to such request.

4. Guide for Requestors on how to use the Act (Section 51(1)(b))

4.1 The PAIA Manual has been developed in fulfilment of the Information Officer obligation under Section 10 of the PAIA, which requires the Information Officer to update and make available the existing Guide.

4.2 The PAIA Manual is available upon request. Please direct any queries to:

Information Officer: Adele Oosthuizen

Physical address: No. 342 Oklahoma Street, Faerie Glen, Pretoria

Postal address: No. 342 Oklahoma Street, Faerie Glen, Pretoria

Telephone number: 082 656 6013

Email: adele@homegrownrl.co.za

5. Automatic availability of certain records (Section 51(1)(d))

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies are available for inspection, purchase or copying.

6. Records available accordance with other legislation (Section 51(1)(d))

Records are available for in accordance with the following legislation:-

- Alienation of Land Act 68 of 1981
- Basic Conditions of Employment Act 57 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Companies Act: Regulations

- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Debt Collectors Act 114 of 1998
- Deeds Registries Act 47 of 1937
- Deeds Registries Act: Regulations
- Disaster Management Act 53 of 2005
- Electronic Communications and Transaction Act 25 of 2002
- Employment Equity Act 55 of 1998
- Estate Agency Affairs Act 112 of 1976 (insofar as it is still applicable)
- Financial Intelligence Centre Act 38 of 2001
- Housing Development Schemes for Retired Persons Act 65 of 1988
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Money Laundering and Terrorist Financing Control Regulations
- National Credit Act 34 of 2005
- National Building Regulations and Building Standards Act 103 of 1977
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combatting of Corrupt Actibities Act 12 of 2004
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1999
- Promotion of Access to Information Act 2 of 2000
- Property Practitioner Act 22 of 2019
- Property Practitioner Act: Regulations
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Property Valuers Profession Act 2 of 2000
- Rental Housing Act 50 of 1999
- Sectional Titles Act 95 of 1986
- Sectional Titles Management Act 8 of 2011
- Share Blocks Control Act 59 of 1980
- Skills Development Levies Act 57 of 1999

- Spatial Planning and Land Use Management Act 16 of 2013
- Transfer Duty Act 40 of 1949
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

Although Home Grown Rooted Living has used their best endeavors to provide a list of applicable legislation, it is possible that the list may be incomplete. Should it come to Home Grown Rooted Living's attention that other or new legislation is also applicable, the list will be updated as such.

7. Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying:-

- Newsletters
- Pamphlets / brochures
- Posters
- Pricelists
- Reports
- Marketing and promotional material.

8. Information available in terms of the Act

The subjects on which the business holds records and the categories on each subject are listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with Section 62 to 69 of the Act.

8.1. Accounting records

- Annual financial statements and working papers
- General ledger
- Bank statements, payment-related records
- Cash books and petty cash books
- Fixed assets register
- Tax returns and assessments
- VAT returns
- Lease and/or instalment sale agreements
- Insurance records
- Auditor's report

- Inventory records
- Credit Agreements

8.2 Internal Audit

- General Correspondence
- General Administration Records
- Audit Reports and Audit Findings

8.3 Corporate Communications

- Press Releases/Statements

8.4 Company Secretarial

- General Correspondence
- Share Registers
- Statutory Records
- Shareholders Agreements
- Registration with statutory bodies

8.5 Human Resources Department

- General Correspondence
- Employee Records
- General Company and HR Policies and Procedures
- Trainng Records
- Pension Records
- Employee Benefit Records
- Statutory Records
- Contracts
- Labour Relations Records
- Employment Equity Records
- PAYE Records

8.6 Information Technology Policies and Procedures

- General Correspondence
- Contracts and Agreements
- Operational Records
- IT Infrastructure Layouts and Diagrams
- Asset Register
- IT Acceptable Use Policies

8.7 Safety and Insurance Records

- General correspondence
- Insurance policies and procedures
- Statutory records
- Assets and motor vehicle records
- Employee related insurance
- Property related insurance

8.8 Intellectual Property

- Designs, trademarks, trade names and protected names

9. Availability of the Manual

Copies of this manual are available for inspection, free of charge, at the offices of Home Grown Rooted Living PTY LTD and/ or can be requested from the employees of Home Grown Rooted Living PTY LTD via email.

10. Requesting procedures

A person who wants access to the records must complete the necessary request form in English. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio. The completed request form must be sent to the address or email address, as provided in this manual, and marked for the attention of the Information Officer.

An initial, non-refundable R140.00 request fee is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

11. Payment of Fees

Payment details can be obtained from the Information Officer and payment can be made via a direct deposit or EFT.

Note:

If the request for access is successful, an access fee will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the prescribed fees. The access fee must be paid prior to access being given to the requested record.

12. Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

- Notification of extension period
- Payment of deposit
- Decision on request

13. Grounds for refusal to access records

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party. A complete list of the grounds for refusal is available in Chapter 4 of the Act.

14. Protection of Personal Information Act (POPIA)

14.1 Purpose of Processing

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which personal information is processed by Home Grown Rooted Living will

depend on the nature of the personal information and the particular Data Subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the personal information is collected.

In general, personal information is processed for purposes of

- Conducting credit reference checks and assessments
- Administration of agreements and third-party relationships
- Providing products and services to customers
- Discounting and asset funding purposes
- Detecting, and prevention of fraud, crime, money laundering and other malpractice
- Employee recruitment and selection processes
- Conducting market or customer satisfaction research
- Marketing and sales
- In connection with legal proceedings
- Staff and payroll administration
- Keeping of accounts and records
- Complying with legal and regulatory requirements
- Historical record keeping, research and recording statistics necessary for fulfilling the company's business objectives.

14.2 Categories of Recipients for Processing the Personal Information

Depending on the nature of the personal information, Home Grown Rooted Living may supply information or records to the following categories of recipients: Any third party with whom Home Grown Rooted Living has an agreement in place for the following services:

- Capturing and organizing of data,
- Storing of data,
- Sending of emails and correspondence to customers,
- Conducting due diligence checks,
- Quality reviews and audits,
- Administration of medical aid,
- Life cover,
- Pension fund, etc

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and
- Subject to the provisions of POPIA and other relevant legislation, Home Grown Rooted Living may share information about a client's creditworthiness with any credit bureau or credit provider's industry association or other association for an industry in which Home Grown Rooted Living operates.

14.3 Actual or Planned Trans-Border Flows of Personal Information

Personal Information may be transmitted trans-border to the company's members, suppliers and/or funders in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws which are similar to those of South Africa. The company will endeavour to ensure that its suppliers, funders and members will make all reasonable efforts to secure said data and Personal Information in which case it will fully comply with applicable data protection legislation. Current employees and consultants' information may also be transferred transborder where the company may be providing services or performing in terms of its contractual obligations.

14.4 Data Retention

We may retain and Process some or all of your Personal Information if and for as

long as:

- We are required or permitted by law or a contract with you to do so;
- It is for lawful purposes that are related to our performance of our functions and activities;
- We reasonably require it for evidentiary purposes; or
- You agree to us retaining it for a specified further period.

To determine the appropriate retention period for Personal Information, Home Grown Rooted Living will consider, among other things, the nature and sensitivity of the Personal Information, the potential risks or harm that may result from its unauthorised use or disclosure, the purposes for which we process it and whether those purposes may be achieved through other means. Home Grown Rooted Living will always comply with applicable legal, regulatory, tax, accounting or other requirements as they pertain to the retention of Personal Information.

14.5 Information Security Measures

Home Grown Rooted Living will ensure the integrity and confidentiality of all Personal Information in its possession, by taking appropriate and practical steps to identify risks relating to information security. Reasonable measures will be taken to establish and maintain appropriate safeguards against such risks. Home Grown Rooted Living has policies and controls in place for the safe custody, security and backup of information. The safeguarding measures inter alia include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control (security gate, alarm system, biometric and card access to office building as well as restricted areas);
- Secure setup of hardware and software making up the IT infrastructure;
- Secure communications;
- Investigating and reacting to security incidents;
- Daily back-ups;
- Outsourced Service Providers who process Personal Information on behalf of Home Grown Rooted Living are contracted to implement security controls.

14.6 Actual or Planned Transborder Flows of Personal Information

Where applicable, Home Grown Rooted Living will endeavour to ensure that its service providers will make all reasonable efforts to secure the relevant data and Personal Information.

14.7 Employee Contracts and Signed Acknowledgements

Home Grown Rooted Living values the privacy of employee personal information. All current Home Grown Rooted Living employees will be educated and informed of the Employee Privacy Policy and Employee Consent.

As part of the employee take-on process, each new employee will sign the following policies/acknowledgements in addition to their Employment Contract:

- An Employee Privacy Policy and Consent containing the relevant consent clauses for the use and storage of employee information;
- An Acknowledgment of the Home Grown Rooted Living IT policy; as well as
- A Client information confidentiality undertaking.

This is to ensure that all Home Grown Rooted Living employees are aware of their responsibilities in terms of the safeguarding of all personal information within the company. Failure to comply could result in the instigation of disciplinary procedures.

15. Grounds for refusal

Home Grown Rooted Living may legitimately refuse to grant access to a requested record that falls within a certain category.

Grounds on which Home Grown Rooted Living may refuse access include:

- Protecting personal information that Home Grown Rooted Living holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- Protecting commercial information that Home Grown Rooted Living holds about a third party or Home Grown Rooted Living (for example a trade secret, financial, commercial, scientific or technical information that may harm the commercial or financial interests of Home Grown Rooted Living or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;

- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Home Grown Rooted Living;
- Disclosure of the record would put Home Grown Rooted Living at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer program which is owned by Home Grown Rooted Living and which is protected by copyright and intellectual property laws;
- Research information of Home Grown Rooted Living or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

16. Information or Records not found

If the Company cannot find the records that the Requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

17. Prescribed Fees: Section 51(1)(f) of PAIA

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

- A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

17.2 When the request is received by the Information Officer, such officer shall by notice

require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

17.3 The Information Officer shall withhold a record until the Requester has paid the fees as indicated below.

17.4 A Requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

17.5 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the Requester.

18. Fee structure for Request of Records:

In addition to the request fee, the Minister has also prescribed the following reproduction fees. (Information relating to personal records of the person requesting the information would not be subject to a charge)

Description	**Amount**
For every photocopy of an A4-size or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on - Stiffy disc - Compact disc	 R7.50 R70.00
For a transcription of a visual images, for an A4-size page or part thereof For a copy of the visual image	R40.00 R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00

For a copy of an audio record	R30.00

Request Fees:

Where a Requester submits a request for access to information held by a private body on a person other than the Requester himself/herself, a request in the amount of R 50.00 is payable up-front before the Company will further process the request.

Access Fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the PAIA Act or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable are:

Description	**Amount**
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on - Stiffy disc - Compact disc	 R7.50 R70.00
For a transcription of a visual images, for an A4-size page or part thereof For a copy of the visual image	R40.00 R60.00
For a transcription of an audio record, for an A4-size page or part thereof For a copy of an audio record	R20.00 R30.00
To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

Note: The actual postage is payable when a copy of a record must be posted to a Requester.

Deposits:

Where the Company receives a request for access to information other than personal information and the head of Compliance upon receipt of the request is of the opinion that the preparation of the required records for disclosure will take more than 6 (six) hours, a deposit is payable by the Requester. The amount of the deposit is equal to one third of the amount of the applicable access fee.

19. Updates to Manual

This Manual will be updated at such intervals that may be deemed necessary.

ANNEXURE A

FORM C

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 name and surname:
Identity number:
Capacity:

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 for 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:

	copy of record		inspection of record

2. If record consists of visual images

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

	view the images		transcription of the images*		copy of the images

3. If record consists of recorded words or information which can be reproduced in sound:

	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:

printed copy of record*

	Printed copy of record		Printed copy of information		Copy in computer readable form

* 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

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 ……..2…

_____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE