

**MAXPROP HOLDINGS (PTY) LTD**  
(hereafter referred to as the Company)

(Company Registration No 1965/004024/07)

**MANUAL PREPARED IN ACCORDANCE WITH SEC 51 OF PROMOTION OF ACCESS TO  
INFORMATION ACT NO 2 OF 2000)**

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**NATURE OF BUSINESS**

The entity is a **private body** in terms of Section 51 of the Public Access to Information Act. The private body is a **Private Company** formed in terms of the Companies Act (No 61 of 1973).

**1. CONTACT DETAILS [Sec 51(1)(a)]**

<b>Name of Body</b>	<b>Maxprop Holdings (Pty) Ltd</b>
<b>Head of Body</b>	<b>Managing Director (from time to time)</b>
<b>Postal Address</b>	<b>P O Box 221 Pinetown 3600</b>
<b>Street Address</b>	<b>108 Josiah Gumede Road Pinetown 3610</b>
<b>Telephone Number</b>	<b>031 7012341</b>
<b>Facsimile Number</b>	<b>031 7023062</b>
<b>E-Mail Address</b>	<a href="mailto:admin@maxprop.co.za">admin@maxprop.co.za</a>

**2. THE SECTION 10 GUIDE ON HOW TO USE THE ACT [SEC 51(1)(b)]**

In terms of Section 10 of the Act, the Human Rights Commission is required to compile, in each official language, a guide to the Act to assist people to exercise their rights under the Act. This guide will be available by no later than August 2003. Please direct any queries to:

The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton  
2041  
Telephone: +27 11 484 8300  
Fax: +27 11 484 0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### 3. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SEC 51(1)(d)]

The Company keeps records in terms of the following legislation, all of which are available, subject to the legislation and the Act:

#### Companies Act No. 61 of 1973, as amended

SECTION	TO WHOM WHAT RECORDS ARE AVAILABLE
9	Any person who pays the prescribed fee has the right to inspect and obtain copies of this company's documents lodged at the Companies Registration Office. (CIPC previously CIPRO)
67	A member who requests (and make the necessary payment) a copy of the company's Memorandum and Articles of Association.
113	The register of members of a company is open to inspection by a member or his agent and by any person upon payment for inspection. Copies must be furnished where a request has been made for copies and payment tendered therefore.
130	The provisions of Section 113 (see above) apply to the registers required to be kept in terms of Section 127 and 128 – register of pledges, cessions, bonds and debentures
206	Members of a company are entitled to inspect the company's minute books.
240	The provisions of Section 113 (see above) are to apply to the register of interests in contracts of directors and officers.
286	The directors of a company are obliged to lay the Annual Financial Statements before the Annual General Meeting of the company.
302	A company has a duty to send its Annual Financial Statements to its members prior to the Annual General meeting. In the case of a Public Company a copy must be lodged with CIPC.
309	A member or debenture holder of a company has the right to be furnished on demand, a copy of the last Annual Financial Statements, Provisional Annual Financial Statements and of the last Interim report of the company.

#### Basic Conditions of Employment Act No. 75 of 1997

SECTION	TO WHOM WHAT RECORDS ARE AVAILABLE
29	New employees upon commencement of employment will be supplied with specified particulars ( <i>inter alia</i> ), the name and address of the employer, the name and address of the employee, the employee's occupation description, the place of work, the wage/salary that employee will earn, the deductions that will be made, rates for overtime work, any cash payments or payments in kind to which the employee is entitled, the leave to which the employee is entitled, the notice period for termination of employment) in writing.
78	All employees have the right to inspect any record kept in terms of this Act that relates to his/her employment.

#### Employment Equity Act No. 55 of 1998

SECTION	TO WHOM WHAT RECORDS ARE AVAILABLE
18	When a designated employer engages in consultation in terms of Chapter 3 of the Act, the employer must disclose to the consulting parties all the relevant information that will allow the parties to consult effectively.
41	The Minister of Labour must keep a register of designated employers that have submitted the Employment Equity Plans. The register is a public document.

#### Labour Relations Act No. 66 of 1995

SECTION	TO WHOM WHAT RECORDS ARE AVAILABLE
16	An employer must disclose to a Trade Union representative all relevant information that will allow the Trade Union representative to perform effectively, the functions referred to in S14 (4). Whenever an employer is consulting or bargaining with a representative Trade Union, the employer

	must disclose to the representative Trade Union all relevant information that will allow the representative Trade Union to engage effectively in consultation or collective bargaining. The employer must notify the trade Union representative or the representative Trade Union in writing, if information disclosed in terms of sub-sections (2) or (3) is confidential. Sub-section (5) excludes certain information for disclosure by the employer.
25	Sub-section (7) provides that CIPC must provide a certified copy of, or extract from, any of the documents referred to in sub-section (6) to any persons who have paid the prescribed fees. Sub-section 6 refers to the auditor's report.
83	Regular meetings between the workplace forum and the employer Must be held, whereat the employer must present a report on its financial and employment situation, its performance in the short term and in the long term.
89	An employer must disclose to the workplace forum all relevant information that will allow the workplace forum to engage effectively in consultation and joint decision making. Certain information is excluded from disclosure.
90	Any documented information that is required to be disclosed by the employer in terms of S89 must be available on request to he members of the workplace forum for inspection.
189	The employer must disclose in writing to the other consulting party all relevant information pertaining to dismissals based on operational requirements.
204	An employer must give a copy of a collective agreement, arbitration award or determination to an employee who has paid the prescribed fee and, free of charge, on request, to an employee who was a Trade Union representative or member of a workplace forum.
205	An employer must keep the records that the employer is required to keep in compliance with every applicable collective agreement, arbitration award or determination made in terms of the Wage Act. The employer must submit these records in their original form or in a reproduced form and respond to a demand made at any reasonable time, to any agent of a Bargaining Council, Commissioner or any other person whose function in terms of this Act include the resolution of disputes. An employer must also keep records of the prescribed details of any strike, lock-out or protest action involving its employees and submit these records in the prescribed manner to CIPC.

In addition, the Company keeps records in terms of the following legislation:

- Income Tax Act No 95 of 1967
- Skills Development Levies Act No 9 of 1999
- Skills Development Act No 97 of 1998
- Stamp Duties Act No 77 of 1968
- Unemployment Contributions Act No 4 of 2002
- Unemployment Insurance Act No 63 of 2001
- Usury Act No 73 of 1968
- Value Added Tax Act No 89 of 1991
- Estate Agents Act

#### **4. ACCESS TO THE RECORDS HELD BY THE COMPANY [SEC 51 (1)(c) & 51(1)(e)]**

- i There are no records available other than those accessible in terms of the request procedures laid down by the relevant Acts.
- ii The following is a list of documents held by **Maxprop Holdings (Pty) Ltd**. Access to these documents may be protected by professional privilege, confidentiality, privacy or other reasonable grounds of refusal.

CATEGORY	SUBJECT/DESCRIPTION
Accounting	Accounts, invoices, reconciliations, credit/debit notes, journals, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs, cash flow statements
Publications	Updates prepared by various departments within the firm Information booklets on areas of business in which the company specialises
Marketing	Client Proposals, copies of seminar papers, copies of various (Powerpoint) presentations for prospective clients, in-house training, seminars. Copies of advertisements placed by the company. Copies of director listings placed by the firm, copies of articles written by professional staff, copies for company's website, invitation lists for seminars and other formal company functions, internal newsletters, business card details of staff, marketing database containing details of persons/companies on the company's mailing list for receipt of publications, general correspondence
Travel	Travel agent invoices, foreign exchange orders, vehicle insurance declarations, travel insurance declaration, any corporate agreements with airlines, hotels and vehicle rental companies, travel booking confirmations, cellular phone contracts
Stationery/Mail	Corporate stationery
Administration	General correspondence; Lease Agreements; Copies and correspondence relating to various insurance policies; General correspondence; working papers, architects' drawings, building plans. Salary and employee records; Documentation relating to PABX, voicemail and security systems. Office equipment contracts
Human Resources	Contracts of Employment; Remuneration structuring documentation. Procedures/policies in respect of advertising staff positions; General Conditions of Employment; Performance evaluations; Employment Equity Plan and related reports; Workplace Skills Plan and related data; Personnel files; Loan and Bursary Agreements; Disciplinary and Grievances procedure documents; All employment applications; Forms relating to new employee appointments; Vacation employment applications; Confidentiality undertakings.
Salaries and Wages	Payroll records, UIF, PAYE, Regional Services Council levies, Workmens' Compensation, Staff Assurance Provident Fund, Staff Funeral Benefits, and Life Cover records. Staff Provident Fund documentation and Medical Aid Scheme records, information brochures and publications
Departments within the firm	Details documents retained by them
IT	Network and the systems on it, CD'S, IT literature and instruction manuals

### iii The Request Procedure

- The requester must use the prescribed form, available at the offices of the Company or on the website ([www.maxprop.co.za](http://www.maxprop.co.za)) to make the request for access to a record. This must be made to the head of the Company. This request must be made to the address, fax number or electronic mail address of the Company [S 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the Company to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [S 53 (2)(a) and (b) and (c)]
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [S 53 (2)(d)].
- 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 head of the Company [S 53 (2)(f)]

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 of the Company must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [S 54 (1)]
- The fee that the requester must pay to the Company is available on request. The requester may lodge an application to court against the tender or payment of the request fee [S 54 (3)(b)]
- After the head of the Company 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 the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [S 54 (6)]
- **Note 1:** The prescribed request form may be accessed via the Company's website ([www.maxprop.co.za](http://www.maxprop.co.za)) or the SAHRSC'S website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) under "regulations".
- **Note 2:** **Access to certain records may be or must be denied on the grounds set out in the Act.**

**Mandatory grounds for refusal include but are not limited to :-**

- Information for the protection of the privacy of individuals
- Information for the protection of commercial information and confidential information of third parties
- Information privileged from production in legal proceedings
- Commercial information of the company
- Research information

## **5. OTHER INFORMATION AS MAY BE PRESCRIBED [Section 51 (1)(f)]**

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

## **6. AVAILABILITY OF THE MANUAL**

This manual is available for inspection free of charge at the registered offices of Maxprop Holdings (Pty) Ltd, on their website ([www.maxprop.co.za](http://www.maxprop.co.za)) and from the South African Human Rights Commission in accordance with paragraph 9(1) of the Regulations of the Act.