

McCORMICK PROPERTY DEVELOPMENT PROPRIETARY LIMITED

PAIA MANUAL *[PUBLIC DOCUMENT]*

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	PURPOSE, SCOPE AND OBJECTIVES.....	3
3.	DEFINITIONS	3
4.	CONTACT PARTICULARS	4
5.	GUIDE ON HOW TO USE PAIA.....	4
6.	RIGHT OF ACCESS TO A RECORD	5
7.	VOLUNTARY DISCLOSURE AND INFORMATION AUTOMATICALLY AVAILABLE.....	5
8.	FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION	5
9.	FEES IN TERMS OF A REQUEST FOR ACCESS TO INFORMATION.....	7
10.	INFORMATION AVAILABLE IN TERMS OF PAIA	8
11.	INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION	8
12.	GROUND FOR REFUSAL TO ACCESS TO RECORDS	9
13.	RECORDS THAT DO NOT EXIST OR CANNOT BE FOUND	10
14.	COMPLIANCE WITH THE PROTECTION OF PERSONAL INFORMATION ACT	10
15.	DIRECT MARKETING	10
16.	CORRECTION, DESTRUCTION OR DELETION OF PERSONAL INFORMATION	10
17.	AVAILABILITY OF PAIA MANUAL	11
18.	REMEDIES AVAILABLE	11
	Annexure A: Prescribed form	12

1. INTRODUCTION

McCormick Property Development Proprietary Limited ("**MPD**") is a market leader in the development of rural/township retail real estate in South Africa.

2. PURPOSE, SCOPE AND OBJECTIVES

This manual was drafted in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") and is applicable to MPD and is intended to give effect to the provisions of section 32 of PAIA, which provides that any person has the right to gain access to information held by a private body, when that information is required for the protection of any rights. This manual serves to provide a guideline on which information is available and the manner in which such information may be requested from MPD.

3. DEFINITIONS

3.1 "**commercial information**" means information which -

- contains trade secrets of a private body;
- contains financial, commercial, scientific or technical information, other than trade secrets, of a private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of such private body;
- is a computer program, owned by a private body, except insofar as it is required to give access to a record to which access is granted in terms of PAIA;
- contains information, the disclosure of which could reasonably be expected -
 - to put a private body at a disadvantage in contractual or other negotiations; or
 - to prejudice such private body in commercial competition.

3.2 "**head**" of, or in relation to a private body, means –

- in the case of a juristic person –
 - the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer, or the person who is acting as such or any person duly authorised by such acting person.

3.3 "**personal requester**" means a requester seeking access to a record containing personal information about the requester (in other words, the information is about the requester in his or her or its personal capacity).

3.4 "**private body**" means –

- a natural person who carries on or has carried on any trade, business or profession, but only in such capacity;

- a partnership which carries on or has carried on any trade, business or profession; or
 - any (former or existing) juristic person which carries on or has carried on any trade, business or profession,
- but excludes a public body.

3.5 “**record**” of, or in relation to, a public or private body, means any recorded information –

- regardless of form or medium;
- in the possession or under the control of that public or private body, as the case may be; and
- whether or not it was created by that public or private body.

4. CONTACT PARTICULARS

Name of business:	McCormick Property Development Proprietary Limited
Company registration number:	2017/504855/07
Physical address:	204 Von Willich Avenue Clubview, Centurion 0157
Postal address:	PO Box 12196 Clubview 0014
Telephone number:	012 660 3020
Designated person:	Ananda Booysen
Email address:	ananda@expreit.co.za
Website address:	www.mccormick-property.com
Head of business:	Jason McCormick

5. GUIDE ON HOW TO USE PAIA

A guide on how to use PAIA, as provided for in section 10 of PAIA, is available from the Information Regulator, as well as at the following link:

https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf

This guide is available in all official languages and may be obtained free of charge from the Information Regulator.

Information Regulator:

Website: <https://inforegulator.org.za/>

Postal Address: PO Box 31533
Braamfontein
Johannesburg
2017

Physical Address: Woodmead North Office Park
54 Maxwell Drive
Woodmead
Johannesburg
2191

Telephone: 010 023 5200

Email: enquiries@inforegulator.org.za

Should your PAIA request be denied or there is no response for access to records, you may use the following email address to lodge a complaint: PAIAComplaints@inforegulator.org.za

6. RIGHT OF ACCESS TO A RECORD

A requester of information must be given access to any record of a private body if -

- that record is required for the exercise or protection of any rights of the requester of the information;
- such requester complies with the procedural requirements of PAIA relating to a request for access to that record; and
- access to that record is not refused in terms of any permissible ground for refusal, as contained in par 12 of this manual.

7. VOLUNTARY DISCLOSURE AND INFORMATION AUTOMATICALLY AVAILABLE

MPD makes certain information available voluntarily, which information is freely accessible via the following means:

- its website (www.mccormick-property.com); and
- other marketing and/or promotional material.

8. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

- 8.1 A request for information may include a request for access to a record containing personal information (as defined in the Protection of Personal Information Act no 4 of 2013 ("POPI")) about the requester or the person on whose behalf the request is made.

- 8.2 Requests made for personal information from MPD has to comply with the provisions of POPI in that MPD has to be made aware of the following:
- 8.2.1 Specifics of the information requested, including the category of information;
 - 8.2.2 Name and address of the requester/data subject, alternatively if the request is made on behalf of the data subject, proof of representative capacity to the reasonable satisfaction of the designated person;
 - 8.2.3 The purpose for the collection of the information;
 - 8.2.4 Whether the information required is voluntary or mandatory;
 - 8.2.5 Whether there are any consequences of failure to provide information to the requester;
 - 8.2.6 Stipulate any law authorising the collection of information;
 - 8.2.7 The recipients or categories of recipients of the information;
 - 8.2.8 Whether the information will transfer internationally;
 - 8.2.9 A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.
- 8.3 Information that is not readily available to immediately access by a private body, may be requested on the prescribed form (form 2 of Annexure A of the PAIA Regulations), as per PAIA (a copy of the latest version thereof being attached to this manual as Annexure A).
- 8.4 In the case of MPD, such request must be addressed to MPD, using the contact details provided in this manual.
- 8.5 The prescribed form 2 of Annexure A on which the request is made must at least contain the following information:
- Personal information of the requester;
 - Type of record requested;
 - Which form of access is required;
 - The manner of access;
 - Particulars of the right to be exercised or protected; and
 - Fees payable.
- 8.6 A copy of the prescribed form 2 of Annexure A to be completed for submitting a request is available from MPD or the Information Regulator (and is attached to this manual as Annexure A).

9. FEES IN TERMS OF A REQUEST FOR ACCESS TO INFORMATION

9.1 The head of MPD to whom a request for access to information is made shall require the requester to pay the prescribed request fee (if any) before processing the request. The prescribed fees payable are as follows:

Item	Description	Fees
1	The request fee payable by every requester	R140.00
2	Photocopy/printed black & white of an A4-size page or part thereof	R2.00 p/page
3	Printed copy of an A4-size page	R2.00 p/page
4	For a copy in a computer-readable form on: Flash drive / USB (to be provided by requester) Compact Disc (CD) <ul style="list-style-type: none"> If provided by requester If provided to the requester 	R40.00 R40.00 R60.00
5	For a transcription of visual images per A4-size page	Service to be outsourced – will depend on quotation from service provider
6	Copy of visual images	
7	Transcription of an audio record per A4-size page	R24.00
8	Copy of an audio record on: Flash drive / USB (to be provided by requester) Compact Disc (CD) <ul style="list-style-type: none"> If provided by requester If provided to the requester 	R40.00 R40.00 R60.00
9	To search for and prepare the record for disclosure - for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
11	Postage, email or any other electronic transfer	Actual cost

9.2 If, after a request for a record from the MPD, the search for such record has been made and the preparation of the record for disclosure would, in the opinion of the head of MPD, require

more than six hours, the head of MPD shall by notice require the requester to pay as a deposit the prescribed portion (being not more than one third) of the prescribed fee which would be payable if the request were to be granted (as per 9.1).

- 9.3 If a deposit has been paid in respect of a request for access which is refused, the head of MPD shall repay the deposit to the requester (free of interest).
- 9.4 The head of MPD may withhold a record until the requester concerned has paid the applicable fees (if any).
- 9.5 A requester whose request for access to a record of MPD has been granted, must pay an access fee for reproduction/copies of a record and for search and preparation, respectively, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.

10. INFORMATION AVAILABLE IN TERMS OF PAIA

- 10.1 The requester may apply, on the prescribed form and in accordance with the procedure set out in this manual, for access to the following categories of information, provided that the request for information of these records is for purposes of a trial, investigation, protection of a right or any other legitimate reason which would not prejudice MPD in any way:
- Personnel records, which include employment contracts, disciplinary records and payroll information;
 - Customer records, which include contact details, contracts, correspondence and financial records of any tenants or service providers of MPD;
 - MPD records which include, inter alia, all business, marketing, financial and/or IT records;
 - Other party records, which include any record which does not belong to MPD but is in MPD's possession.
- 10.2 Access to these records may be limited or refused in order to protect any individual's or company's right to privacy (if so required in MPD's discretion), alternatively, access to these records may be refused subject to the grounds of refusal set out in par 12 of this manual.

11. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Certain information or records may be requested from MPD and must be made available in terms of laws other than PAIA, such as the following –

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Occupational Health and Safety Act 85 of 1993
- South African Revenue Services Act 34 of 1997
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Financial Intelligence Centre Act 38 of 2001
- Broad-based Black Economic Empowerment Act 53 of 2003

The information or records may include but is not limited to the company tax clearance certificate, memorandum of incorporation (MOI), shareholders' register, B-BBEE certificate, proof of registration in terms of FICA, privacy policy in terms of POPI and VAT number. In making a decision as to whether or not to grant access to the requested information or records, MPD will use its discretion so as to ensure that it protects its right to privacy and does not infringe on any person's rights by providing access. In other words, access will only be provided in the instance that its right to privacy is not infringed and no one else's right to privacy is infringed.

12. GROUNDS FOR REFUSAL TO ACCESS TO RECORDS

MPD may legitimately, in terms of chapter 4 of PAIA, refuse a request for information on, inter alia, any of the following grounds:

- Protection of personal information, including the right to privacy of MPD, any employee of MPD, or any third party, in order to avoid the unreasonable disclosure of personal information concerning that person. MPD may use its discretion as to whether a person's right to privacy might be affected by granting access to such records;
- Protection of the commercial information of MPD or a third party;
- Protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of any agreement or legislation;
- Protection of the safety of individuals or the protection of property;
- Protection of records which would be privileged from production in legal proceedings;
- Protection of MPD's commercial activities including but not limited to records that contain trade secrets, financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to MPD's commercial or financial interests;

- Protection of research information of MPD or a third party, if disclosure would expose the identity of MPD or the third party, the researcher or the subject matter of the research to serious disadvantage; or
- Requests for information that are, in MPD's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

13. RECORDS THAT DO NOT EXIST OR CANNOT BE FOUND

If all reasonable steps have been taken to find a record and such record cannot be found or does not exist, the designated person will notify the requestor in writing by way of written notice that it is not possible to find the requested record. The written notice shall detail the attempts made to find the record. Should the record be found later, the requester shall be given access to the record.

14. COMPLIANCE WITH THE PROTECTION OF PERSONAL INFORMATION ACT

MPD will maintain the documentation of all processing operations under its responsibility and in compliance with the Protection of Personal Information Act 4 of 2013 (POPI). Data subjects have the right, at any time and free of charge, to object to the processing of their personal information in terms of section 11(3) of POPI. Such objections may be made using Form 1 of the POPI Regulations or by any accessible method (email, SMS, WhatsApp, telephone). Telephonic objections will be recorded and made available to the data subject upon request.

15. DIRECT MARKETING

In terms of section 69 of POPI, MPD will only process personal information for purposes of direct marketing where the data subject has given express prior consent. Such consent must be obtained in writing, substantially in the form of Form 4 of the POPI Regulations, and may be provided by email, SMS, WhatsApp, telephone, or any other accessible method. Opting out shall not constitute consent.

16. CORRECTION, DESTRUCTION OR DELETION OF PERSONAL INFORMATION

A requester who wishes to correct, destroy or delete his/her personal information held by MPD may submit a request free of charge, at any time, using Form 2 of the POPI Regulations or by any accessible method (hand delivery, fax, post, email, SMS, WhatsApp). Such requests may only be made if the personal information is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully. MPD must notify the requester in writing within 30 days of the outcome.

17. AVAILABILITY OF PAIA MANUAL

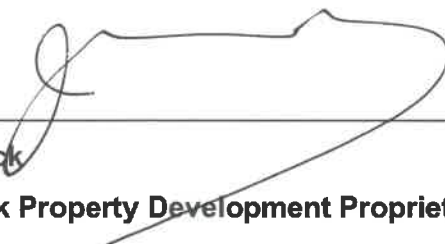
A copy of this manual is available for inspection, free of charge, at the offices of MPD, and may be downloaded from MPD's website (www.mccormick-property.com).

18. REMEDIES AVAILABLE

If access to a record is refused, you may:

- lodge a complaint with the Information Regulator by submitting Form 5 of the POPI Regulations (available on the Regulator's website, or at its offices); or
- approach a court for appropriate relief.

Complaints may be made online or using Form 5, in writing, or by email, fax, post, courier, SMS or WhatsApp. The Regulator will assist complainants to reduce oral complaints to writing, and will acknowledge receipt of complaints within 14 days.



John McCormick
For: McCormick Property Development Proprietary Limited

Annexure A: Prescribed form

[see attached]

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD</p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer