

[INSERT THE LOGO AND NAME OF YOUR ORGANISATION]

# PAIA MANUAL

**Prepared in terms of section 14 of the  
Promotion of Access to Information Act 2 of  
2000 (as amended)**

**DATE OF  
COMPILATION:  
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01/10/2021**

*PAIA Manual Template: Public Body*

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**1. LIST OF ACRONYMS AND ABBREVIATIONS**

**NB: please insert relevant acronyms and abbreviations**

- 1.1 **“CEO”** Chief Executive Officer
- 1.2 **“DIO”** Deputy Information Officer;
- 1.3 **“IO“** Information Officer;
- 1.4 **“Minister”** Minister of Justice and Correctional Services;
- 1.5 **“PAIA”** Promotion of Access to Information Act No. 2 of 2000( as Amended;
- 1.6 **“PFMA”** Public Finance Management Act No.1 of 1999 as Amended;
- 1.7 **“POPIA”** Protection of Personal Information Act No.4 of 2013;
- 1.8 **“Regulator”** Information Regulator.

## **2. PURPOSE OF PAIA MANUAL**

This PAIA Manual is useful for the public to-

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- 2.1 check the nature of the records which may already be available at (name of the body) without the need for submitting a formal PAIA request;
- 2.2 have an understanding of how to make a request for access to a record of the (name of the body);
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available from the (name of the body) regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 the description of the services available to members of the public from the (name of the body), and how to gain access to those services;

- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if the (name of the body) has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 know whether the (name of the body) has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

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*PAIA Manual Template: Public Body*

### **3. ESTABLISHMENT OF THE (INSERT THE NAME OF THE PUBLIC BODY)**

The (Insert Name of Estate Agency) (“the Agency”) is established as a (select the applicable legal form):

- Private Company (Pty) Ltd established in terms of section 13 of the Companies Act, 2008 (Act 71 of 2008);  
OR
- Close Corporation (CC) established in terms of section 2 of the Close Corporations Act, 1984 (Act 69 of 1984);  
OR
- Sole Proprietorship, established in terms of South African common law;  
OR
- Partnership, established in terms of South African common law.

The Agency operates as a Property Practitioner as defined in section 1 of the Property Practitioners Act, 2019 (Act 22 of 2019) (“the PPA”), and is required to comply with all obligations imposed on property practitioners under the PPA and its Regulations.



The Agency is further subject to the following legislation relevant to its establishment and operations:

- Property Practitioners Act, 2019 (Act 22 of 2019)
- Financial Intelligence Centre Act, 2001 (Act 38 of 2001) (“FICA”)
- Protection of Personal Information Act, 2013 (Act 4 of 2013) (“POPIA”)
- Promotion of Access to Information Act, 2000 (Act 2 of 2000) (“PAIA”)
- Companies Act, 2008 or Close Corporations Act, 1984, depending on structure
- Electronic Communications and Transactions Act, 2002 (ECTA)
- Consumer Protection Act, 2008 (CPA)
- Municipal Bylaws applicable to business operations
- Any other legislation applicable to the real estate sector

### 3.1 OBJECTIVES / MANDATE

The mandate of the Agency is derived from the Property Practitioners Act, 2019, its Regulations, and other applicable legislation. The objectives of the Agency include:

Statutory and Regulatory Mandate To operate as a Property Practitioner in accordance with the PPA.

- To comply with all regulatory requirements, including:
  - Fidelity Fund Certificate (FFC) obligations
  - Trust account requirements (where applicable)
  - Mandatory disclosures
  - Recordkeeping and audit obligations
  - Training and qualification requirements for practitioners
- To comply with FICA obligations as an Accountable Institution, including customer due diligence, reporting, and risk management.
- To comply with POPIA by ensuring lawful processing, storage, and protection of personal information.
- To comply with PAIA by enabling access to information where legally required.

#### Operational Mandate

- To provide professional real estate services, including marketing, leasing, selling, managing, or auctioning property.

- To act in the best interests of clients while upholding transparency, fairness, and ethical conduct.
- To maintain accurate, complete, and auditready records of all transactions.
- To ensure that all staff and agents operate within the legal and ethical framework of the real estate industry.

### **Consumer Protection Mandate**

- To promote fair, honest, and transparent dealings with consumers in accordance with the Consumer Protection Act.
- To provide clients with all legally required disclosures and information.
- To ensure that marketing and advertising practices are truthful and compliant with legislation.

### **Governance and Accountability Mandate**

- To maintain proper internal controls, policies, and procedures to ensure compliance with all applicable laws.
- To safeguard client funds and personal information.
- To ensure that all business operations are conducted with integrity, professionalism, and accountability.

## **4. STRUCTURE OF THE (INSERT THE NAME OF THE PUBLIC BODY) AND FUNCTIONS**

### **4.1 STRUCTURE**

The (Insert Name of Estate Agency) operates as a Property Practitioner as defined in the Property Practitioners Act, 2019 (Act 22 of 2019) and is structured to ensure compliance with all statutory, regulatory, and operational requirements applicable to real estate agencies in South Africa.

The organisational structure typically includes the following roles and governance components:

#### **Executive / Management Structure**

- **Principal / Managing Property Practitioner**  
Responsible for overall management, regulatory compliance, supervision of practitioners, trust account oversight, and ensuring adherence to the Property Practitioners Act, FICA, POPIA, and PAIA.
- **Directors / Members / Partners**  
(Applicable to companies, close corporations, or partnerships.)  
Provide strategic direction, governance, and

oversight.

**Operational Structure**

- **Property Practitioners / Estate Agents**  
**Responsible for marketing, selling, leasing, and managing property in accordance with the PPA and Code of Conduct.**
- **Intern Property Practitioners**  
Operate under supervision and training requirements as prescribed by the PPA.
- **Rental Administrators / Portfolio Managers**  
**Manage rental portfolios, tenant vetting, inspections, maintenance coordination, and rental payments.**
- **Sales Administrators / Office Administrators**  
Provide administrative support, record-keeping, documentation management, and client liaison.
- **Finance / Trust Account Administrators**  
Manage trust accounts, financial reporting, reconciliations, and audit preparation in accordance with the PPA and FICA.
- **Compliance Officer / Information Officer**  
Responsible for PAIA, POPIA, FICA, and PPA compliance, including risk management, reporting, and internal controls.  
Committees (if applicable)

**Where established, the Agency may operate the following committees:**

- **Audit & Risk Committee**  
Oversees financial controls, trust account compliance, risk management, and audit readiness.
- **Compliance Committee**  
Monitors adherence to PPA, FICA, POPIA, PAIA, and internal policies.
- **Training & Development Committee**  
Ensures practitioner qualifications, CPD compliance, and intern mentorship.
- **Disciplinary / Ethics Committee**  
Handles internal conduct matters and ensures adherence to the PPA Code of Conduct.

**NB: Attach the organisational structure diagram (organogram) here.**

#### 4.2 FUNCTIONS

The functions of the (Insert Name of Estate Agency) are derived from the Property Practitioners Act, 2019, its Regulations, and other applicable legislation governing

real estate operations in South Africa.

**A. Functions in terms of the Property Practitioners Act (PPA)**

- To operate as a Property Practitioner in compliance with the PPA.
- To obtain and maintain valid Fidelity Fund Certificates (FFCs) for all practitioners.
- To maintain and manage trust accounts (where applicable) in accordance with statutory requirements.
- To ensure compliance with the Code of Conduct for Property Practitioners.
- To provide mandatory disclosure documentation to sellers, landlords, buyers, and tenants.
- To maintain accurate and audit-ready records of all transactions.
- To ensure that all practitioners meet qualification, training, and CPD requirements.

**B. Functions in terms of the Financial Intelligence Centre Act (FICA)**

As an Accountable Institution, the Agency must:

- Conduct customer due diligence (CDD) and risk assessments.
- Maintain a Risk Management and Compliance Programme (RMCP).
- Report suspicious and unusual transactions to the FIC.
- Keep prescribed records for the required retention periods.
- Train staff on FICA obligations.

**C. Functions in terms of POPIA**

- To lawfully collect, process, store, and protect personal information.
- To ensure data subject rights are upheld.
- To implement security safeguards and incident-response procedures.
- To maintain a POPIA compliance framework and policies.

**D. Functions in terms of PAIA**

- To make information accessible where required by law.
- To maintain a PAIA Manual and ensure public access to it.

- To process information requests in accordance with PAIA.
- To designate and empower an Information Officer and Deputy Information Officers.

**E. Operational Functions**

- Marketing, selling, leasing, auctioning, or managing property.
- Facilitating property transactions in a lawful, ethical, and transparent manner.
- Providing clients with accurate information, disclosures, and documentation.
- Managing rental portfolios, inspections, maintenance, and tenant relations.
- Ensuring consumer protection in accordance with the Consumer Protection Act (CPA).

**F. Governance and Accountability Functions**

- Maintaining internal controls, policies, and procedures.
- Ensuring financial integrity and trust account compliance.
- Safeguarding client funds and personal information.
- *Ensuring ethical conduct and professional service delivery.*

**5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE (INSERT THE NAME OF THE PUBLIC BODY)**

**5.1. Chief Information Officer**

Name: Full names of the CEO  
 Tel: His/her landline  
 Email: His/her email address  
 Fax number: Direct fax number

*5.2. Deputy Information Officer (NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA)*

Name: Name of the Deputy Information Officer  
 Tel: Work telephone numbers

Email: Email address  
Fax Number: Direct fax number

### 5.3 Access to information general contacts

*Email: Provide general email address for access to information*

### 5.4 National / Head Office

Postal Address: Provide Postal Address

Physical Address: Provide physical address

Telephone: Provide general contact numbers for the organisation

Email: provide general contact email address for the organisation

Website: specify the website of the organisation

## **6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE (INSERT NAME OF ESTATE AGENCY)**

### **6.1 INTERNAL REMEDIES**

The Agency provides internal mechanisms to resolve complaints relating to:

- Access to information requests
- Delays or failures to respond
- Conduct of staff or practitioners
- Compliance with PAIA, POPIA, FICA, or the PPA
- Service delivery or operational issues

#### **Internal Appeal / Complaint Process**

A requester or affected party may:

1. Submit a written complaint to the Agency's Information Officer or Deputy Information Officer, detailing the nature of the dissatisfaction.
2. The Agency will acknowledge receipt and investigate the matter.

3. A written outcome will be provided within a reasonable period, including any corrective action taken.
4. If the requester is dissatisfied with the internal outcome, they may escalate the matter to the Information Regulator or pursue external remedies.

Note:

PAIA does not require private bodies to offer a formal internal appeal process (unlike public bodies), but estate agencies may voluntarily provide an internal complaint mechanism to promote transparency and accountability.

## **6.2 REMEDIES THROUGH THE INFORMATION REGULATOR**

If a requester is dissatisfied with the Agency's decision or failure to act, they may lodge a complaint with the Information Regulator, established under section 39 of POPIA and empowered to enforce both PAIA and POPIA.

### **A. PAIA-related complaints**

A requester may complain to the Information Regulator regarding:

- Refusal of access to records
- Partial access or unreasonable redactions
- Delays or failure to respond
- Unreasonable fees
- Any other noncompliance with PAIA

### **B. POPIA-related complaints**

A data subject may complain to the Information Regulator regarding:

- Unlawful processing of personal information
- Failure to protect personal information
- Data breaches
- Failure to respond to POPIA requests
- Noncompliance with POPIA obligations

The Information Regulator may:

- Conduct investigations
- Issue enforcement notices
- Compel compliance
- Impose administrative sanctions
- Refer matters for prosecution where applicable

## **6.3 REMEDIES THROUGH OTHER REGULATORY BODIES**

Depending on the nature of the complaint, additional remedies may be available through:

- A. Property Practitioners Regulatory Authority (PPRA)

A complainant may approach the PPRA for matters relating to:

- Misconduct by property practitioners
- Failure to comply with the Property Practitioners Act
- Trust account irregularities
- Failure to provide mandatory disclosures
- Unethical or unprofessional conduct

The PPRA may:

- Investigate complaints
- Conduct disciplinary hearings
- Impose fines or sanctions
- Suspend or withdraw Fidelity Fund Certificates

#### B. Financial Intelligence Centre (FIC)

For FIC related failures, complaints may be escalated to the FIC, which may:

- Investigate noncompliance
- Issue directives
- Impose administrative penalties

### 6.4 JUDICIAL REMEDIES

A requester or affected party may approach a court with jurisdiction for appropriate relief, including:

- High Court applications to enforce rights under PAIA
- Interdicts to compel the Agency to act or refrain from acting
- Review applications under the Promotion of Administrative Justice Act (PAJA), where applicable
- Civil claims for damages arising from unlawful conduct, including POPIA related harm
- Urgent applications where immediate relief is required

Courts may:

- Order the release of records
- Set aside unlawful decisions
- Award damages
- Grant declaratory or interdictory relief
- Enforce compliance with statutory obligations

### 6.5 SUMMARY OF AVAILABLE REMEDIES

Remedy Type	Applicable To	Authority / Body
Internal complaint	Service issues, delays, conduct, PAIA/POPIA/FICA/PPA compliance	Estate Agency (Information Officer)
PAIA complaint	Access to information issues	Information Regulator
POPIA complaint	Personal information protection issues	Information Regulator
Misconduct complaint	Practitioner conduct, trust accounts, PPA compliance	PPRA
FICA noncompliance	CDD, reporting, RMCP failures	FIC
Court action	Enforcement of rights, damages, urgent relief	High Court

## 7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN

## ACCESS TO THE GUIDE

- 7.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 7.2. The Guide is available in each of the official languages.
- 7.3. The aforesaid Guide contains the description of-
  - 7.3.1. the objects of PAIA and POPIA;
  - 7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
    - 7.3.2.1. the Information Officer of every public body, and
    - 7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
  - 7.3.3. the manner and form of a request for-
    - 7.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
    - 7.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
  - 7.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
  - 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
  - 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
    - 7.3.6.1. an internal appeal;

<sup>1</sup> Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

<sup>2</sup> Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-



- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

7.3.6.2. a complaint to the Regulator; and

7.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

7.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

7.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

7.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and

7.3.10. the regulations made in terms of section 92<sup>11</sup>.

7.4. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

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<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that – "The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

7.4.1. upon request to the Information Officer;

7.4.2. from the website of the Regulator  
(<https://www.justice.gov.za/inforeg/>).



**8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE (INSERT THE NAME OF THE BODY)**

*The (Insert Name of Estate Agency) holds records in both electronic and physical formats. These records relate to the operational, financial, administrative, and regulatory functions of the Agency. The table below outlines the subjects on which records are held and the categories of records maintained under each subject.*

**8.1 RECORD SUBJECTS AND CATEGORIES**

<i>Subjects on which the body holds records</i>	<i>Categories of records held on each subject</i>
<i>Strategic / Governance</i>	<ul style="list-style-type: none"> <li>• <i>Strategic plans and business plans</i></li> <li>• <i>Annual reports (if applicable)</i></li> <li>• <i>Compliance frameworks (PAIA, POPIA, FICA, PPA)</i></li> <li>• <i>Internal policies and procedures</i></li> <li>• <i>Codes of conduct and ethics policies</i></li> <li>• <i>Minutes of management meetings</i></li> </ul>
<i>Human Resources (HR)</i>	<ul style="list-style-type: none"> <li>• <i>HR policies and procedures</i></li> <li>• <i>Employment contracts</i></li> <li>• <i>Employee records and personal information</i></li> <li>• <i>Payroll and remuneration records</i></li> <li>• <i>Leave records</i></li> <li>• <i>Recruitment and advertised posts</i></li> <li>• <i>Disciplinary records</i></li> <li>• <i>Training and development records (CPD, PPA training, FICA training)</i></li> <li>• <i>Employment equity plans and statistics</i></li> </ul>
<i>Finance</i>	<ul style="list-style-type: none"> <li>• <i>Annual financial statements</i></li> <li>• <i>Management accounts</i></li> <li>• <i>Invoices and receipts</i></li> <li>• <i>Tax records</i></li> <li>• <i>Supplier and vendor records</i></li> <li>• <i>Trust account records (where applicable)</i></li> <li>• <i>Bank statements and reconciliations</i></li> <li>• <i>Audit reports (financial and trust account)</i></li> <li>• <i>Procurement and expenditure records</i></li> </ul>
<i>Trust Account Administration</i>	<ul style="list-style-type: none"> <li>• <i>Trust account bank statements</i></li> <li>• <i>Trust account reconciliations</i></li> <li>• <i>Deposit and withdrawal records</i></li> <li>• <i>Tenant deposit records</i></li> <li>• <i>Mandates and instructions</i></li> <li>• <i>Audit reports and auditor confirmations</i></li> </ul>
	<ul style="list-style-type: none"> <li>• <i>Fidelity Fund Certificates (FFCs)</i></li> <li>• <i>Mandatory disclosure forms</i></li> <li>• <i>Mandates (sales, rental, management)</i></li> <li>• <i>Offer to purchase agreements</i></li> </ul>

<i>Property Practitioner Compliance (PPA)</i>	<ul style="list-style-type: none"> <li>• Lease agreements</li> <li>• Inspection reports</li> <li>• Marketing materials and property listings</li> <li>• Practitioner qualification and CPD records</li> </ul>
<i>Client and Transaction Records</i>	<ul style="list-style-type: none"> <li>• Client identification and verification documents (FICA)</li> <li>• Client mandates</li> <li>• Sales and rental agreements</li> <li>• Correspondence with clients</li> <li>• Transaction files (sales, rentals, management)</li> <li>• Property inspection reports</li> <li>• Maintenance and repair records</li> </ul>
<i>FICA Compliance</i>	<ul style="list-style-type: none"> <li>• Risk Management and Compliance Programme (RMCP)</li> <li>• Customer Due Diligence (CDD) records</li> <li>• Client risk assessments</li> <li>• Reports submitted to the FIC (STRs, CTRs, etc.)</li> <li>• FICA training records</li> <li>• Recordkeeping registers</li> </ul>
<i>POPIA Compliance</i>	<ul style="list-style-type: none"> <li>• POPIA policies and procedures</li> <li>• PAIA Manual</li> <li>• Information Officer and Deputy Information Officer designations</li> <li>• Data subject consent forms</li> <li>• Processing notices</li> <li>• Security incident / breach logs</li> <li>• Records of processing activities (ROPAs)</li> </ul>
<i>Marketing &amp; Communications</i>	<ul style="list-style-type: none"> <li>• Advertising and promotional materials</li> <li>• Website content and social media posts</li> <li>• Client communication records</li> <li>• Branding and design assets</li> </ul>
<i>Information Technology (IT)</i>	<ul style="list-style-type: none"> <li>• System access logs</li> <li>• Software licences</li> <li>• IT policies and cybersecurity protocols</li> <li>• Backup and recovery records</li> </ul>
<i>Legal &amp; Contractual</i>	<ul style="list-style-type: none"> <li>• Service provider contracts</li> <li>• Franchise agreements (if applicable)</li> <li>• Legal opinions</li> <li>• Litigation records</li> <li>• Compliance notices and correspondence with regulators</li> </ul>
<i>Health &amp; Safety (if applicable)</i>	<ul style="list-style-type: none"> <li>• Health and safety policies</li> <li>• Incident reports</li> <li>• Compliance certificates</li> </ul>

## **8.2 RECORDS AVAILABLE WITHOUT REQUEST**

*(Insert if applicable)*

*Examples:*

- *Marketing brochures*
- *Publicly available property listings*
- *PAIA Manual*
- *Contact details of the Information Officer*

## **8.3 RECORDS AVAILABLE ON REQUEST**

*All other records listed above may be accessed in accordance with the procedures outlined in PAIA and in Section 6 of this Manual.*

## **9. CATEGORIES OF RECORDS OF THE (INSERT THE**



**NAME OF THE BODY) WHICH  
ARE AVAILABLE WITHOUT A PERSON HAVING  
TO REQUEST ACCESS**

*The following categories of records are available to the public without a formal PAIA request. These records may be accessible on the Agency's website, via email, or upon telephonic request.*

**9.1 PUBLICLY AVAILABLE RECORDS**

<i>Category</i>	<i>Document Type</i>	<i>Available on Website</i>	<i>Available Upon Request</i>
<b>General Information</b>	<ul style="list-style-type: none"> <li>• Organisational profile</li> <li>• Overview of services</li> <li>• Contact details</li> <li>• Office locations</li> </ul>	X	X
<b>Marketing &amp; Property Listings</b>	<ul style="list-style-type: none"> <li>• Property listings (sales and rentals)</li> <li>• Marketing brochures</li> <li>• Openhouse notices</li> </ul>	X	X
<b>Compliance &amp; Regulatory Information</b>	<ul style="list-style-type: none"> <li>• PAIA Manual</li> <li>• POPIA Processing Notices</li> <li>• Information Officer details</li> <li>• PPRA registration details (FFC numbers)</li> </ul>	X	X
<b>Legislation / Regulations</b>	<ul style="list-style-type: none"> <li>• Links to relevant legislation (PPA, PAIA, POPIA, FICA, CPA)</li> </ul>	X	
<b>Strategic / Governance Documents (if applicable)</b>	<ul style="list-style-type: none"> <li>• Organisational profile</li> <li>• Mission, vision, and values</li> <li>• Highlevel governance structure</li> </ul>	X	X
<b>Tender / Procurement Information (if applicable)</b>	<ul style="list-style-type: none"> <li>• Advertised tenders</li> <li>• Name of successful bidders</li> </ul>	X	X
<b>Consumer Protection Information</b>	<ul style="list-style-type: none"> <li>• Mandatory Disclosure Form (blank template)</li> <li>• Standard terms of service</li> <li>• Complaints procedure</li> </ul>	X	X
<b>Forms &amp; Templates</b>	<ul style="list-style-type: none"> <li>• Application forms</li> <li>• Mandate templates (blank)</li> <li>• Rental application forms</li> </ul>	X	X
<b>Public Notices</b>	<ul style="list-style-type: none"> <li>• Changes in business hours</li> <li>• Regulatory announcements</li> <li>• Public statements</li> </ul>	X	X
<b>Career Opportunities</b>	<ul style="list-style-type: none"> <li>• Advertised vacancies</li> <li>• Application instructions</li> </ul>	X	X

**9.2 RECORDS AVAILABLE FOR INSPECTION AT THE OFFICE**

*(Insert if applicable)*

*Examples:*

- Printed brochures
- Public notices
- Company registration certificate (display copy)

**9.3 RECORDS AVAILABLE FOR DOWNLOAD**

*(Insert website link if applicable)*

*Examples:*

- PAIA Manual*
- POPIA Privacy Notice*
- Standard application forms*
- Mandatory Disclosure Form*

#### **9.4 RECORDS AVAILABLE UPON INFORMAL REQUEST**

*These records may not be published online but can be provided without a formal PAIA request:*

- Confirmation of FFC validity*
- Confirmation of business registration details*
- General service information*
- Standard fee schedules (if publicly shared)*

#### **10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE (INSERT THE NAME OF THE BODY) AND HOW TO GAIN ACCESS TO THOSE SERVICES**

The **(Insert Name of Estate Agency)** provides a range of real estate services to members of the public in accordance with the **Property Practitioners Act, 2019 (Act 22 of 2019)** and other applicable legislation.

##### **10.1 Services Provided to the Public**

###### **A. Sales Services**

- Marketing and advertising of residential, commercial, and industrial properties
- Facilitating property viewings
- Negotiating offers to purchase
- Assisting with contractual documentation
- Liaising with conveyancers and financial institutions

###### **B. Rental and Leasing Services**

- Marketing rental properties
- Tenant vetting and screening
- Drafting lease agreements
- Conducting ingoing and outgoing inspections
- Managing rental collections and maintenance (if applicable)

###### **C. Property Management Services**

- Full portfolio management for landlords
- Maintenance coordination
- Financial reporting
- Tenant relations and dispute resolution

###### **D. Valuation and Market Assessment Services**

- Comparative market analyses
- Property valuations for marketing purposes

## **E. Advisory and Support Services**

- Guidance on property transactions
- Assistance with compliance documentation (e.g., mandatory disclosures)
- Consumer education on rights and obligations

### **10.2 How the Public Can Access These Services**

Members of the public may access the Agency's services through the following channels:

#### **A. Physical Access**

- Visiting the Agency's offices during business hours  
(Insert physical address)

#### **B. Telephonic Access**

- Contacting the Agency via telephone  
(Insert telephone number)

#### **C. Email Access**

- Sending enquiries to the Agency's general or departmental email addresses  
(Insert email address)

#### **D. Website Access**

- Accessing property listings, service information, and downloadable forms  
(Insert website URL)

#### **E. Social Media Platforms**

- Viewing property listings and announcements  
(Insert platforms if applicable)

#### **F. Online Appointment Booking**

- Scheduling consultations or property viewings (if applicable)

### **10.3 Guides or Booklets Available to the Public**

The following documents may be made available on the Agency's website or upon request:

- **PAIA Manual**
- **POPIA Privacy Notice**
- **Mandatory Disclosure Form (blank template)**
- **Rental Application Form**
- **Buyer and Seller Guides** (if applicable)
- **Tenant and Landlord Guides** (if applicable)  
(Insert links if available)

### **10.4 POWERS, DUTIES AND FUNCTIONS OF THE**

## **(INSERT NAME OF ESTATE AGENCY)**

The powers, duties, and functions of the **(Insert Name of Estate Agency)** are derived from the **Property Practitioners Act, 2019**, its Regulations, and other applicable legislation governing real estate operations in South Africa.

### **10.4.1 Powers of the Estate Agency**

In terms of the PPA, the Agency has the power to:

- Act as a **Property Practitioner** in the marketing, sale, letting, and management of property
- Enter into mandates with sellers, landlords, buyers, and tenants
- Facilitate property transactions and negotiate terms
- Hold and manage trust funds (where applicable)
- Collect and process personal information in accordance with POPIA
- Conduct customer due diligence as an Accountable Institution under FICA

### **10.4.2 Duties of the Estate Agency**

The Agency has the following statutory duties:

#### **A. Duties Under the Property Practitioners Act**

- Maintain valid **Fidelity Fund Certificates (FFCs)** for all practitioners
- Provide **mandatory disclosure forms** to sellers and landlords
- Keep proper accounting and transaction records
- Ensure compliance with the **Code of Conduct**
- Ensure practitioners meet qualification and CPD requirements
- Maintain trust accounts and submit annual audits (if applicable)

#### **B. Duties Under FICA**

- Conduct customer due diligence
- Maintain a Risk Management and Compliance Programme (RMCP)
- Report suspicious and unusual transactions
- Keep prescribed records for statutory periods

#### **C. Duties Under POPIA**

- Protect personal information
- Maintain security safeguards
- Respond to data subject requests
- Report data breaches where required

#### **D. Duties Under PAIA**

- Provide access to information where legally required
- Maintain and publish a PAIA Manual
- Assist requesters in understanding the access process

## **E. Duties Under the Consumer Protection Act**

- Ensure fair, honest, and transparent dealings
- Provide accurate and complete information to consumers
- Avoid misleading or deceptive marketing practices

### **10.4.3 Functions of the Estate Agency**

The Agency performs the following functions:

- Marketing and advertising properties
- Facilitating property sales and rentals
- Managing rental portfolios
- Conducting property inspections
- Providing market valuations and assessments
- Maintaining accurate transaction records
- Ensuring compliance with all applicable legislation
- Educating consumers on property-related matters

### **10.4.4 How the Public Can Access These Services or Functions**

Members of the public may access the Agency's services by:

- Visiting the Agency's offices
- Contacting the Agency telephonically or via email
- Accessing the Agency's website
- Requesting information in terms of PAIA
- Engaging with property practitioners directly

## **11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY (INSERT THE NAME OF THE BODY)**

*Although the (Insert Name of Estate Agency) is a private body and does not engage in public policymaking in the same manner as government institutions, members of the public may still participate in or influence the Agency's operations, service delivery, and compliance practices through several mechanisms. These mechanisms support transparency, accountability, and consumer protection as required under the Property Practitioners Act (PPA), PAIA, POPIA, and the Consumer Protection Act (CPA).*

### **11.1 Public Participation Through Complaints, Feedback, and Enquiries**

*Members of the public may influence the Agency's conduct and internal policies by:*

- Submitting complaints regarding service delivery, practitioner conduct, or compliance
- Providing feedback on services received

- *Requesting clarification on policies, procedures, or documentation*
- *Raising concerns relating to POPIA, PAIA, FICA, or PPA compliance*

*Feedback received may result in:*

- *Amendments to internal policies*
- *Improvements in service delivery*
- *Enhanced consumer protection practices*
- *Additional training for property practitioners*

## **11.2 Participation Through Regulatory Bodies**

*The public may also influence the Agency's exercise of powers or performance of duties by engaging with relevant regulatory authorities:*

### **A. Property Practitioners Regulatory Authority (PPRA)**

*Members of the public may lodge complaints with the PPRA regarding:*

- *Practitioner misconduct*
- *Failure to comply with the PPA*
- *Trust account irregularities*
- *Failure to provide mandatory disclosures*
- *Unethical or unprofessional behaviour*

*The PPRA may issue directives, conduct investigations, or impose sanctions, which may lead to changes in the Agency's internal processes.*

### **B. Information Regulator**

*The public may lodge complaints relating to:*

- *Access to information (PAIA)*
- *Protection of personal information (POPIA)*

*The Information Regulator may issue enforcement notices requiring the Agency to amend its policies or practices.*

### **C. Financial Intelligence Centre (FIC)**

*Members of the public may report concerns relating to:*

- *FICA noncompliance*
- *Suspicious or unusual activities*

*The FIC may direct the Agency to improve its risk management and compliance processes.*

## **11.3 Participation Through Legal Processes**

*Members of the public may influence the Agency's conduct by:*

- *Approaching a court for relief under PAIA, POPIA, the*

- CPA, or common law*
- *Seeking interdicts or declaratory orders*
  - *Initiating civil claims for damages where applicable*
- Court decisions may require the Agency to amend its policies, procedures, or conduct.*

#### **11.4 Participation Through Publicly Available Information**

*The Agency may publish certain documents that allow the public to understand and engage with its operations, including:*

- *PAIA Manual*
- *POPIA Privacy Notice*
- *Mandatory Disclosure Form*
- *Standard terms and conditions*
- *Consumer guides (if applicable)*

*These documents may be accessed via the Agency's website or upon request.*

#### **11.5 Participation Through Direct Engagement**

*Members of the public may also influence the Agency's operations by:*

- *Attending public information sessions (if offered)*
- *Participating in community outreach or educational programmes*
- *Engaging directly with property practitioners or management*

## **12. PROCESSING OF PERSONAL INFORMATION**

The (Insert Name of Estate Agency) processes personal information in accordance with the Protection of Personal Information Act, 2013 (POPIA), the Property Practitioners Act (PPA), the Financial Intelligence Centre Act (FICA), and other applicable legislation.

### **12.1 PURPOSE OF PROCESSING**

The Agency processes personal information for the following purposes:

- *To provide real estate services, including marketing, selling, leasing, and managing property*
- *To verify client identity and comply with FICA obligations*
- *To fulfil contractual obligations with clients, tenants, landlords, buyers, and service providers*
- *To manage transactions, including offers to purchase, lease agreements, inspections, and mandates*
- *To maintain trust account and financial records*
- *To comply with statutory reporting obligations (PPRA,*

- FIC, SARS, Information Regulator)
- To manage employee relationships, including payroll, benefits, training, and performance
- To conduct credit, affordability, and background checks (where applicable)
- To manage security, access control, and IT systems
- To communicate with clients, including marketing (with consent)
- To protect the legitimate interests of the Agency, clients, and stakeholders

## 12.2 CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION PROCESSED

Categories of Data Subjects	Personal Information That May Be Processed
Natural Persons (Clients, Tenants, Landlords, Buyers, Sellers)	<ul style="list-style-type: none"> <li>• Names and surnames</li> <li>• Identity numbers / passport numbers</li> <li>• Contact details (phone, email, address)</li> <li>• Residential, postal, or business address</li> <li>• Financial information (banking details, affordability assessments)</li> <li>• Employment information</li> <li>• FICA documentation (proof of address, ID copies)</li> <li>• Confidential correspondence</li> <li>• Property ownership details</li> </ul>
Juristic Persons (Companies, Trusts, Close Corporations)	<ul style="list-style-type: none"> <li>• Registered name and registration number</li> <li>• Physical and postal address</li> <li>• Contact details</li> <li>• Names and details of directors, trustees, members</li> <li>• Financial, commercial, or technical information</li> <li>• Tax numbers</li> <li>• Mandates and contractual information</li> </ul>
Employees and Job Applicants	<ul style="list-style-type: none"> <li>• Names, surnames, ID numbers</li> <li>• Gender, race, age, nationality</li> <li>• Contact details and addresses</li> <li>• Employment history and qualifications</li> <li>• Criminal background checks (where lawful)</li> <li>• Medical or disability information (where lawful and necessary)</li> <li>• Payroll and financial information</li> <li>• Nextofkin details</li> <li>• Performance records</li> <li>• Biometric information (if applicable)</li> </ul>
Service Providers / Contractors	<ul style="list-style-type: none"> <li>• Names and contact details</li> <li>• Company registration details</li> <li>• Banking details</li> <li>• Tax information</li> <li>• Compliance documentation</li> </ul>
Website Users / Online Enquirers	<ul style="list-style-type: none"> <li>• IP address</li> <li>• Browsing behaviour</li> <li>• Contact details submitted via forms</li> <li>• Cookies and tracking data (where applicable)</li> </ul>

## 12.3 RECIPIENTS OR CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION

Personal information may be shared with the following recipients where lawful and necessary:

Category of Personal Information	Recipients or Categories of Recipients
Identity numbers, names, criminal checks	South African Police Service (SAPS)

Qualifications and training records	South African Qualifications Authority (SAQA), PPRA
Credit and payment history	Registered credit bureaus
FICA documentation	Financial Intelligence Centre (FIC), banks, auditors
Property transaction information	Conveyancers, attorneys, financial institutions
Trust account records	Independent auditors, PPRA
Employee information	SARS, Department of Labour, payroll service providers
IT related information	Cloud service providers, software vendors
Marketing information	Approved marketing service providers (with consent)

The Agency does not sell personal information to third parties.

## 12.4 PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

Personal information may be transferred outside the Republic of South Africa in the following circumstances:

- Cloud storage services hosted in foreign jurisdictions
- Email, CRM, or property management systems hosted internationally
- Backup and disaster recovery systems located outside South Africa
- International clients or service providers involved in property transactions

Where transborder transfers occur, the Agency ensures that:

- The receiving country has adequate data protection laws, or
- The recipient is subject to binding agreements ensuring POPIA compliant protection, or
- The data subject has consented to the transfer where required.

## 12.5 INFORMATION SECURITY MEASURES

The Agency implements appropriate, reasonable technical and organisational measures to ensure the confidentiality, integrity, and availability of personal information.

Security safeguards include:

### Technical Safeguards

- Data encryption (in transit and at rest)
- Secure cloud storage with access controls
- Firewalls and intrusion detection systems
- Antivirus and anti-malware solutions
- Multifactor authentication (MFA)
- Regular software updates and patching
- Encrypted backups and secure offsite storage

### Organisational Safeguards



- POPIA compliance policies and procedures
- Access control based on job roles
- Confidentiality agreements with employees and contractors
- FICA and POPIA training for staff
- Incident response and breach reporting procedures
- Secure disposal of physical and electronic records
- Visitor access controls and physical office security

**Monitoring and Review**

- Regular audits of IT systems and access logs
- Ongoing risk assessments
- Review of security measures to address emerging threats

**13. AVAILABILITY OF THE MANUAL**

This Manual is made available in the following three official languages-

- English;
- Afrikaans
- Sotho

A copy of this Manual or the updated version thereof, is also available as follows-

- on ( specify the website), if any, of the public body;
- at the head office of the public body for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

**14. UPDATING OF THE MANUAL**

The (insert the name of private body) will, if necessary, update and publish this Manual annually.

**Issued by**

***(Insert the Name of the information Officer)***  
***(Title of information Officer. e.g. Chief Executive Officer)***