

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION TO ACCESS TO INFORMATION ACT 2/2000 ("THE ACT")



Registration number: 2017/006317/07
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REAL ESTATE

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MANUAL In terms of Section 51 of The Promotion of Access to Information Act 2/2000 (“the Act”)

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PAIA MANUAL

SIGNATURE REAL ESTATE (PTY) LTD

REGISTRATION NUMBER 2017/006317/07

Manual prepared in terms of Section 51 of the
Promotion of Access to Information Act, No. 2 of 2000, (the "Act")

1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("the Constitution") of access to any information held by the state or any information that is held by another person and that is required for the exercise or protection of any rights. In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedures to be adopted when such an information request is received by SIGNATURE REAL ESTATE (PTY) LTD.

This PAIA Manual is intended to ensure that SIGNATURE REAL ESTATE (PTY) LTD complies with the Act and to foster a culture of transparency and accountability within SIGNATURE REAL ESTATE (PTY) LTD by giving effect to the right to information.

Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not only:

- 1.1 limitations aimed at the reasonable protection of privacy (refer the POPIA Data Privacy Policy at their offices 8 Beach Crescent, Scott Estate, Hout Bay, 7806;
- 1.2 commercial confidentiality; and
- 1.3 effective and efficient governance and in a manner which balances that right with other rights.

In addition, this PAIA Manual complies with the requirements set out in Section 10 of the Act and recognizes that, upon commencement of the Protection of Personal Information Act 4 of 2013, the appointed Information Regulator will be responsible to regulate compliance with the Act.

2. DEFINITIONS

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

- 2.1 an expression which denotes
 - 2.1.1 any gender includes the other genders;
 - 2.1.2 a natural person includes an artificial or juristic person and vice versa;
 - 2.1.3 the singular includes the plural and vice versa;
- 2.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
 - 2.2.1 "this document" - this document together with all of its annexures, as amended from time to time;
 - 2.2.2 "the company" – SIGNATURE REAL ESTATE (PTY) LTD;
 - 2.2.3 "the Act" - Promotion of Access to Information Act No. 2 of 2000 and any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;



- 2.3 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
- 2.4 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 2.5 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 2.6 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 2.7 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 2.8 insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 2.9 this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the company.
- 2.10 PAIA gives a **requester** the right to lodge a request for information with the Information Officer of a **private body**.
- 2.11 A **private body** is defined as follows in PAIA:
- 2.11.1 a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- 2.11.2 a partnership which carries or has carried on any trade, business or profession; or
- 2.11.3 any former or existing juristic person
- 2.12 PAIA defines the **head of a private body** as: "*the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that office....*"
- 2.13 A **requester** means:
- 2.13.1 any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- 2.13.2 a person acting on behalf of the person contemplated in subparagraph 2.13.1.

3. OVERVIEW OF SIGNATURE REAL ESTATE (PTY) LTD

SIGNATURE REAL ESTATE (PTY) LTD is a proudly South African real estate agency with its office based in Hout Bay, Cape Town.

SIGNATURE REAL ESTATE (PTY) LTD specialises in residential sales and rentals in the Cape Town area. SIGNATURE REAL ESTATE (PTY) LTD's clients include individual and corporate South Africans, trusts as well as international individuals, corporations and trusts. It is not often that the agency facilitates transactions involving diplomats or public entities, but this may occur from time to time.



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4. CONTACT DETAILS (Section 51 (1) (a))

Director:

ROMY-LOU TARBOTON

Email address: romy@signaturerealestate.co.za

Postal Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

Street Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

Information Officer:

DANNI MARTIN

Email address: danni@signaturerealestate.co.za

Postal Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

Street Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

Communications Officer:

DANNI MARTIN

Email address: danni@signaturerealestate.co.za

Postal Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

Street Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

This PAIA Manual of SIGNATURE REAL ESTATE (PTY) LTD is available to view at its premises: 8 Beach Crescent, Scott Estate, Hout Bay, 7806 and in compliance with the Act, is available from its website together with Forms 2 and 3.

5. INFORMATION OFFICER

The Act prescribes the appointment of an Information Officer where such Information Officer is responsible, inter alia, to assess requests for access to information. Unless otherwise stipulated, the Information Officer appointed in terms of that Act herein will also be the appointed Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer therefore oversees the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of Section 55 of POPIA 2013.

Appointed Information Officer:

DANNI MARTIN

Email address: danni@signaturerealestate.co.za

Postal Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806

Street Address: 8 Beach Crescent, Scott Estate, Hout Bay, 7806



6. THE ACT AND SECTION 10 GUIDE

The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of the Act.

Requestors are referred to the Guide in terms of Section 10 which will contain information for the purposes of exercising their Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

7. REQUEST PROCEDURES AND FACILITATION

7.1. Procedural requirements:

- 7.1.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 7.1.2 The requester must complete the prescribed form enclosed hereto and submit same as well as payment of the required fee/s and a deposit if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as noted in 6 above;
- 7.1.3 The prescribed form must be completed with sufficient information to enable the Information Officer to identify:
 - 7.1.3.1 The record/records requested;
 - 7.1.3.2 The identity of the requester;
 - 7.1.3.3 The rights based on which the requester is requesting the information or copies of documents.
- 7.1.4 Which form of access is required and supply the postal or physical address to which the information or copies are to be sent and/or the fax number or electronic mail address of the requester;
- 7.1.5 SIGNATURE REAL ESTATE (PTY) LTD will process the request within a period of 30 (thirty) business days from the date of receipt of the request unless the requester has stated special reasons acceptable to the Information Officer for the information to be delivered sooner;
- 7.1.6 The Information Officer shall advise the requester whether access is granted or denied in respect of the request and such notice shall be in writing. Unless the requester requests reasons for a decision, the Information Officer shall not be obliged to supply such reasons;
- 7.1.7 The above request should be made by the requester him/herself but in the event that the request is made on behalf of someone else, then proof of the authorization must accompany the initial request to the Information Officer;
- 7.1.8 The required fees must be paid before any further processing can take place;
- 7.1.9 The Information Officer's response may be delayed if it is found that information required from the requester is outstanding on the request and will remain delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information.



7.2. Refusal of Access to Records

7.2.1 The main grounds on which SIGNATURE REAL ESTATE (PTY) LTD may refuse a request for information relate to:

- 7.2.1.1 The mandatory protection of privacy of a third party who is a natural or deceased person, or a juristic person as precluded by the POPIA 4 of 2013;
- 7.2.1.2 The mandatory protection of the commercial information of a third party if the records contain trade secrets, financial/commercial/scientific or technical information which may cause harm to such third party if disclosed;
- 7.2.1.3 The mandatory protection of confidential information if it is protected in terms of an agreement;
- 7.2.1.4 The mandatory protection of records which would be regarded as privileged in legal proceedings.

7.2.2 The commercial activities of SIGNATURE REAL ESTATE (PTY) LTD;

7.2.3 Customer information of SIGNATURE REAL ESTATE (PTY) LTD;

7.2.4 Financial and Customer information where harm may be caused to the company;

7.2.5 Information which, if disclosed, may put SIGNATURE REAL ESTATE (PTY) LTD at a disadvantage;

7.2.6 Any software or hardware or any computer program to which SIGNATURE REAL ESTATE (PTY) LTD has copyright;

7.2.7 Requests which are clearly frivolous or vexatious and which divert from usual resources;

7.2.8 Each request for information will be assessed by SIGNATURE REAL ESTATE (PTY) LTD's Information Officer on its own merits and in accordance with reasonable and applicable legal principles.

7.3. Lost records

If a requested record cannot be found or if the record does not exist, the Information Officer shall make an affidavit or other acceptable declaration to such effect notifying the requester that it is not possible to give access to the request.

7.4 Additional to the Act, the www.sahrc.org.za website provides guidance and details to request information or lodge an appeal.

8. PRESCRIBED FEES

8.1. The Act refers to two types of fees, namely the request fee which is a form of administration fee payable by all requesters except personal requesters and the access fee which is payable by all requesters in the event that the request is granted. This fee includes the costs of obtaining and preparing a record for delivery to the requester. A summary of all PAIA fees is set out in the Addendum A: PAIA Fee Schedule and Addendum B: Prescribed Form C which is also available from the SAHRC's website at www.sahrc.org.za.

8.2. The following applies to requests (other than personal requests):

- 8.2.1. A requestor is required to pay the prescribed request fees (R50.00, as specified by the SAHRC) before a request will be processed;
- 8.2.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 8.2.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 8.2.4. Records may be withheld until the fees have been paid.

8.3. If the search for the record has been made and the preparation of the record for disclosure together with arrangements to make the record available, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the fee.

8.4. If a request is declined, any deposit paid by the requester must be refunded to such requester.

8.5. REPRODUCTION FEES



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Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format – Stiffy disk, Compact disk, USB flashdrive	R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of a visual image	R60.00
A transcription of an audio record for an A4 size page or part thereof	R20.00
A copy of audio record	R30.00

8.6. ACCESS FEES

Information in an A4 size page photocopy or part thereof	R1.10
A printed copy of an A4 size page or part thereof	R0.75
A copy in computer readable format – Stiffy disk, Compact disk, USB flashdrive	R70.00
A transcription of visual images, in an A4 size page or part thereof	R40.00
A copy of a visual image	R60.00
A search for a record that must be disclosed: **** per hour or part of an hour reasonable required for such search	R30.00
A copy of audio record	R30.00

8.7. **BANK ACCOUNT DETAILS FOR PURPOSES OF PAYMENT/S:**

ACCOUNT NAME	
BANKING INSTITUTION	
ACCOUNT NUMBER	
BANK BRANCH	
PAYMENT REFERENCE	

9. INFORMATION AVAILABLE IN TERMS OF LEGISLATION

Information is available in terms of certain provisions of legislation as listed hereunder:

Department	Legal requirements; regulations; legislation and standards
Finance	Bills of Exchange Act 34 of 1964 (“the Bills Act”)
Finance	Business Act 71 of 1991
Finance	Broad-Based Black Economic Empowerment Act 53 of 2003 (“the B-BBEE Act”)
Finance	Collective Investment Schemes Control Act, 2002
Finance	Co-operative Banks Act, 2007
Finance	Finance Act, 2007
Finance	Financial Intelligence Centre Act 38 of 2001 (“FICA”)
Finance	National Credit Act 34 of 2005 (“the NCA”)
Finance	Public Finance Management Act, 1999
Finance	South African Reserve Bank Act, 1989
Finance	South African Revenue Service Act, 1997



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Department	Legal requirements; regulations; legislation and standards
Finance	Tax Administration Act, 2011
Finance	The Income Tax Act 58 of 1962 ("the Income Tax Act")
Finance	Tax on Retirement Funds Act, 1996
Finance	The Insolvency Act 24 of 1936 ("the Insolvency Act")
Finance	Taxation Administration Act 28 of 2011 ("The TAA")
Finance	The Value Added Tax Act 89 of 1991 ("the VAT Act")
COMPLIANCE	Consumer Protection Act 68 of 2008 ("CPA")
HR	Basic Conditions of Employment Act 75 of 1997 ("the BCE Act")
HR	Basic Conditions of Employment Amendment Act, No 11 of 2002
HR	Compensation for Occupational Injuries and Diseases Act 130 of 1993 ("the Compensation Act")
HR	Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
HR	Employment Equity Act 55 of 1998 ("the EEA") (Form A4 refer to Commission for Gender Equality Act, 1996)
HR	Employment Tax Incentive Act 26 of 2013 ("ETIA")
HR	Income Tax Act, 1962
HR	Labour Relations Act 66 of 1995 ("the LRA")
HR	Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
HR	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ("PEPUDA")
HR	Skills Development Act 97 of 1998 ("the SDA")
HR	Skills Development Levies Act 9 of 1999 ("the Skills Levies Act")
HR	Unemployment Insurance Act 63 of 2001 ("the UIA")
HR	Unemployment Insurance Contributions Act 4 of 2000 ("the UICA")
HR	Workmen's Compensation Act
Other	Companies Act 71 of 2008 ("the Companies Act")
Other	The Protection of Personal Information Act 4 of 2013 ("POPIA")
Other	Constitution of the Republic of South Africa 2008 ("the Constitution")
Other	Prevention and Combatting of Corrupt Activities Act 12 of 2004 ("PACCA")
Other	Electronic Communications Act 36 of 2005 ("the ECA")
Other	Promotion of Access to Information Act 2 of 2000 ("PAIA")
Other	Electronic Communications and Transactions Act 25 of 2002 ("ECTA")
Other	Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) ("PAJA")
Other	Protected Disclosures Act (no 26 of 2000) (Whistle blowers Act SA)
Risk	Conversion of SASRIA Act, 1998 (Act No. 134 of 1998) - South African Special Risks Insurance Association
Risk	Long-term Insurance Act, 1998
Risk	Short-term Insurance Act, 1998



10. INFORMATION AUTOMATICALLY AVAILABLE

- 10.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 9:
- 10.1.1 personnel records particular to the employee whose file it is;
 - 10.1.2 records of disciplinary hearings and related matters are available to the employee concerned;
 - 10.1.3 the company's policies and procedures manuals;
 - 10.1.4 the company's document format manual.
- 10.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 9:
- 10.2.1 the company's employment equity plan;
 - 10.2.2 the company's skills development plan.

11. INFORMATION AVAILABLE IN TERMS OF THE ACT ON APPLICATION

Requestors are not automatically allowed access to these records listed as proprietary or confidential hereunder and access to them may or must be refused by the firm in accordance with sections 62 to 69 of The Act. These records are not automatically available without a request in terms of the Act.

A request in terms of this section is subject to section 63(1) of the Act, which provides that the firm may refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

TYPE OF RECORDS	DETAILED EXAMPLES	CLASSIFICATION
BUSINESS ACCOUNTING RECORDS	<ul style="list-style-type: none">o Annual financial statements and working paperso General ledgero Bank statements, cheque books, chequeso Customer and supplier statements and invoiceso Deposit slipso Cash books and petty cash bookso Fixed asset registero Tax returns and assessmentso VAT returnso Lease or instalment sale agreementso Budgets and business planso Insurance recordso Auditor's reportso Internal auditors' reportso Compiler's reportso Accounting officer's reportso Reviewer's reportso Inventory records (including stock take)o Systems documentationo Management reviewso Capital expenditureo Record of assetso Record of liabilities	PROPRIETARY



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	<ul style="list-style-type: none"> ◦ Record of loans to related parties ◦ Record of liabilities and obligations ◦ Record of property held ◦ Record of revenue ◦ Record of expenses 	
CREDIT AGREEMENTS	Credit Provider's documents	PROPRIETARY
FIXED PROPERTY	Leases Mortgage bonds or other encumbrances Title deeds	PROPRIETARY
HEALTH AND SAFETY	Evacuation Report Minutes of safety committee meetings (if any)	CONFIDENTIAL
INFORMATION TECHNOLOGY AND SYSTEMS	Hardware Internet Software packages Telephone exchange equipment Telephone lines, leased lines and data lines	PROPRIETARY
PROFESSIONAL AND OTHER INSURANCE	Claim records Details of coverage, limits and insurers Insurance policies	PROPRIETARY
LEGAL AGREEMENTS	Contracts with Clients Contracts with Employees Contracts with External Service Providers Contracts with Suppliers with shareholders, officers or directors	CONFIDENTIAL
PERSONELL RECORDS (HUMAN RESOURCES)	Disciplinary records Employee information records Employee loans Employee remuneration Employment applications Employee date of birth Employment contracts Group personal accident IRP 5 and IT 3 certificates Letters of appointment Leave applications Maternity leave policy Payroll Particulars of each employee Personnel file Recruitment and appointments Salary and wage registers Salary slips and wage records Tax returns of employees Training and development UIF, PAYE and SDL returns Workmen's Compensation documents Recruitment and appointments Salary and wage registers Salary slips and wage records Tax returns of employees	CONFIDENTIAL



	Training and development UIF, PAYE and SDL returns Workmen's Compensation documents	
MARKETING	Newsletters Service and product information Client onboarding details Marketing agreements Debt Acknowledgement Invoices, Credit notes, C-notes	PROPRIETARY
INTELLECTUAL PROPERTY	Templates Digital and physical publications Internal and External Compliance Policies	CONFIDENTIAL
STATURORY COMPANY RECORDS	Annual Statutory Returns Certificate of Change of Name Certificate of Incorporation Certificate to Commence Business Dividend register Directors' attendance register Memorandum and Articles of Association Notice and minutes of shareholders' meetings Minutes of directors' meetings Proxy documents Resolutions Shareholders' agreements Shareholders' register	PROPRIETARY
TAX	Income tax returns Provisional tax returns Tax assessments VAT documents	PROPRIETARY
THIRD PARTIES	Section 71 of PAIA makes provision for a request for information or records about a third party. In considering such a request, the agency will adhere to the provisions of sections 71 to 74 of the Act. In certain circumstances, the agency will be obliged to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.	CONFIDENTIAL

12 INFORMATION REQUESTED ABOUT A THIRD PARTY

- 12.1 Section 71 of the Act makes provision for a request for information or records about a third party.
- 12.2 In considering such a request, the firm will adhere to the provisions of sections 71 to 74 of the Act.
- 12.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the firm is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.



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- 12.4 In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the firm by referring the matter to the High Court.

13 UPDATING OF MANUAL

SIGNATURE REAL ESTATE (PTY) LTD may update this manual annually or at such intervals as may be necessary.

ADDENDUM A: FORM 2

FORM 2 - **Request for Access to Record** form can be found on the following link:

<https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

ADDENDUM B: FORM 3

FORM 3 - **Outcome of Request and Fees Payable** form can be accessed from the following link:

<https://inforegulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>