

Access to Information Manual

MANUAL

in terms of Section 51 of the

Promotion of Access to Information Act, 2 of 2000 (as amended)

("PAIA")

read with the Protection of Personal Information Act, 4 of 2013

("POPIA")

Private Body	Propell Sectional Title Solution (Pty) Ltd (1999/004482/07) & Propell Specialised Finance (Pty) Ltd (1999/024353/07)
Policy	Access to Information Manual in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000 ("PAIA") read with the Protection of Personal Information Act, 4 of 2013 ("POPIA")
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1. INTRODUCTION

1.1 Propell Sectional Title Solution (Pty) Ltd and Propell Specialised Finance (Pty) Ltd (collectively referred to as “**Propell**”) conducts business as a financial services partner providing innovative funding & services solutions to community schemes (sectional title development schemes and home or property owner's associations).

1.2 Propell Sectional Title Solution (Pty) Ltd is a registered Credit Provider in terms of the National Credit Act 34 of 2005 (as amended) with NCR Registration number NCRCP/6308.

1.3 Propell Specialised Finance (Pty) Ltd is a registered Credit Provider in terms of the National Credit Act 34 of 2005 (as amended) with NCR Registration number NCRCP/1929.

1.4 The Promotion of Access to Information Act, 2 of 2000, as amended (“**PAIA**”), gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. PAIA sets out the procedural requirements in order to request access to information, the requirements in respect of such requests, as well as the grounds for refusal (or partial refusal) of such requests.

1.5 The right to access information is limited in terms of PAIA having regard to justifiable limitations, for example (but not limited to) limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient & good governance. The right to access information and provided for in PAIA is not absolute and must be balanced against other rights, including those contained in the Bill of Rights in the Constitution.

1.6 Any request to access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of PAIA.

1.7 This manual is useful for the public to-

- check the categories of records held by Propell which are available without a person having to submit a formal PAIA request;
- have a sufficient understanding of how to make a request for access to a record of Propell, by providing a description of the subjects on which Propell holds records and the categories of records held on each subject’;
- know the description of the records of Propell which are available in accordance with any other legislation;
- access all the relevant contact details of the Information Officer (“**IO**”) and Deputy Information Officers who will assist the public with the records they intend to access;
- know the description of the guide on how to use PAIA, as updated by the Information Regulator (“**Regulator**”) and how to obtain access to it;
- know how to obtain access to Propell’s Privacy Policy in order to -
 - know if Propell 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;
 - know the description of the categories of data subjects and of the information or categories of information relating thereto;
 - know the recipients or categories of recipients to whom the personal information may be supplied;
 - know if Propell 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

- know whether Propell has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

2. SECTION 51(1)(a) INFORMATION - COMPANY (PROPELL) CONTACT DETAILS

Directors:	Mr. André van Schaik (Managing) Mr. Willem le Roux
CEO:	Mr. André van Schaik
IO:	Mariaan Tuck
Deputy Information Officers:	Anika Rittmann, Julia Everts, Hilde Janse van Vuuren, Carel Engelbrecht, Nadia Omar
Postal Address:	P.O. Box 4256, Tygervally, 7536
Physical Address:	1 st Floor, Block C, Farm 1, Vineyards Office Estate, 99 Jip de Jager Drive, Bellville, 7530
Telephone Number:	+27 (0) 21 940 8200 / +27 (0) 861 33 34 35
Email:	privacy@propell.co.za
Website:	www.propell.co.za

3. SECTION 10 GUIDE

- 3.1** PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2** Requests in terms of PAIA shall be made in accordance with the prescribed procedures. The forms are dealt with in paragraph 8 below. The fees in relation to a copy of the guide is as provided for in annexure B to the Regulations relating to the PAIA ("**Regulations**").
- 3.3** The Regulator has updated and made available the revised guide, as required in terms of section 10 of PAIA, on how to use PAIA ("**Guide**"). The Guide contains information as may reasonably be required by a person who wishes to exercise or protect any rights as contemplated in PAIA. It is available from the [Regulator](#) in all of the official languages.
- 3.4** Members of the public can inspect or make copies of the Guide from the offices of Propell, including the office of the Regulator, during normal working hours. The Guide is available at the offices of Propell in Afrikaans, English and isiXhosa.

The Guide can also be obtained from and queries may be directed to either Propell (contact details per paragraph 2 above) or the Regulator:

Postal Address:	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Physical Address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Telephone Number:	+27 (0) 10 023 5200
Website:	https://inforegulator.org.za/
E-mail:	PAIACompliance@inforegulator.org.za

4. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(b)(ii)

- 4.1** No notice in terms of Section 52(2) of PAIA, regarding categories of records of Propell, which are available without request, has been published.
- 4.2** The information regarding Propell that is accessible at www.propell.co.za is available without request. The website contains various categories of information relating to products and services provided by Propell.

5. APPLICABLE LEGISLATION HELD AT THE PHYSICAL ADDRESS OF PROPELL – SECTION 51(1)(b)(iii)

Propell holds at its physical address information/documents pertaining to the below listed legislation. The records, which are not an exhaustive list, may be (in so far as it is of a public nature) available elsewhere without having to request access thereto in terms of PAIA.

Reference to the below-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

No	Ref	Act
1	No 75 of 1997	Basic Conditions of Employment Act
2	No 61 of 1973	Companies Act
3	No 130 of 1993	Compensation for Occupational Injuries and Health Disease Act
4	No 55 of 1998	Employment Equity Act
5	No 9 of 2011	Community Schemes Ombud Service Act
6	No 68 of 2008	Consumer Protection Act
7	No 25 of 2002	Electronic Communications and Transactions Act
8	No 95 of 1967	Income Tax Act
9	No 24 of 1934	Insolvency Act
10	No 38 of 2001	Financial Intelligence Centre Act
11	No 9 of 2017	Financial Sector Regulation Act
12	No 66 of 1995	Labour Relations Act
13	No 34 of 2005	National Credit Act
14	No 78 of 1988	National Payment System Act
15	No 61 of 2003	National Health Act
16	No 85 of 1993	Occupational Health and Safety Act
17	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act

18	No 9 of 2011	Community Schemes Ombud Service
19	No 68 of 1969	Prescription Act
20	No 55 of 1975	Prescribed Rate of Interest Act
21	No 2 of 2000	Promotion of Access of Information Act
22	No 4 of 2013	Protection of Personal Information Act
23	No 8 of 2011	Sectional Titles Schemes Management Act
24	No 53 of 1998	Short Term Insurance Act
25	No 97 of 1998	Skills Development Act
26	No 9 of 1999	Skills Development Levies Act
27	No 4 of 2002	Unemployment Insurance Contributions Act
28	No 63 of 2001	Unemployment Insurance Act
29	No 89 of 1991	Value Added Tax Act

6. SCHEDULE OF RECORDS AT PROPELL IN TERMS OF SECTION 51(1)(b)(iv)

Propell holds the following records on the subjects indicated. Accessibility of the documents listed herein below, may be subject to the grounds of refusal as provided for in PAIA.

6.1 Employee Records

The following employee records examples being held by Propell is not an exhausted list:

- Personal information provided by personnel, including but not limited to contact details, medical information, disability information, biometric information, bank details, tax and financial information, vehicle registration, salary records (including UIF records), electronic access records, health and safety records, personal information of family members of employees (where applicable), identity number, leave records
- Employment contracts, personnel policy and other related contractual records, including but not limited to behavioural framework, policies and procedures
- Internal performance review records
- Disciplinary records
- Employee related correspondence
- Induction material and training records
- Third party provided records relating to employees
- Remuneration records

6.2 Customer Records

The following customer records examples being held by Propell is not an exhausted list:

- Personal information provided by customers, including but not limited to financial information (like age analysis, levy roll, income and liabilities, financial statements, collection report), schedule/site map/list of section/erven sizes, minutes of meetings, insurance information and policies, utility accounts and bank details, contact details, governance documentation (like management rules, constitutional documents), auditor's details, managing agent details, owners' details (like identity number, contact details, arrear levy status), registration number or scheme number, municipal accounts,
- Customer related correspondence and telephone records
- Internal generated records relating to customers', including but not limited to affordability assessments, transactional records
- Third party provided records relating to customers
- Contracts

6.3 Company Records

- Operational and financial information of Propell, including but not limited to banking records, sales records, budgets, financial transactions, management accounts, internal audit records, tax records

- Insurance information and policies
- Administration and Propell company records of incorporation
- Product records
- Operational records
- Databases
- Internal policies and procedures
- Information Technology
- Marketing records
- Internal correspondence
- Licenses
- Asset Register
- Minutes of directors' meetings, share certificates, resolutions
- Service Level Agreements
- Occupational Health and Safety records
- Records of Incidents in the Workplace

6.4 Other Party Records

- Employee, customer or company records being held by a 3rd party not being Propell
- Records relating to other parties, including but not limited to, job applicants, service providers, affiliated companies and visitors to Propell's premises.

7. REQUIREMENT IN TERMS OF SECTION 51(1)(c)

Insofar as the Protection of Personal Information Act, 2013, concerning –

- (i) the purpose of the processing;
- (ii) a description of the categories of data subjects and of the information or categories of information relating thereto;
- (iii) the recipients or categories of recipients to whom personal information may be supplied;
- (iv) planned transborder flows of personal information; and
- (v) a general description of the information security measures to be implemented by Propell as a responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

kindly refer to www.propell.co.za to access our Privacy Policy.

8. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY

To facilitate the processing of your request, kindly:

- 8.1** Use the prescribed Form 2 of annexure A to the Regulations, available on the website of the Regulator at <https://inforegulator.org.za/paia-forms/> or upon request from Propell at the email address referred to in paragraph 2 above.
- 8.2** Address your request to the IO at the address or electronic mail address provided for above, and make payment of the prescribed fees. The fee structure is as provided for in annexure B to the Regulations and available on the website of the Regulator at <https://inforegulator.org.za/>. Records may be withheld until the fees have been paid.
- 8.3** The prescribed form must be completed with sufficient details to enable Propell to identify:
 - (a) the record(s) requested;

- (b) the requester (and if the request is made on behalf of another person, proof of capacity in which the requester is making the request, to the reasonable satisfaction of Propell);
- (c) the form of access required;
- (d) (i) The postal address or electronic mail address of the requester in the Republic;
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

8.4 An individual unable to complete the prescribed form because of illiteracy or disability, may make the request orally.

8.5 Propell will process the request within 30 days, unless the requester has stated special reasons which would satisfy the IO that circumstances dictate that the said time period not be complied with.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main reason(s), although not being an exhausted list, why propel may refuse a request for information relates to:

9.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of such person, including a deceased individual (section 63);

9.2 mandatory protection of the commercial information of a third party, if the records contains-

9.2.1 trade secrets of that third party;

9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party;

9.2.3 information disclosed in confidence by a third party to Propell, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);

9.3 mandatory protection of certain confidential information of a third party, if disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement (section 65);

9.4 mandatory protection of the safety of individuals and the protection of property (section 66);

9.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);

9.6 the commercial activities of, which may include –

9.6.1 trade secrets of Propell;

9.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm of the financial or commercial interest of Propell;

9.6.3 information which, if disclosed, could put Propell at a disadvantage in negotiations or commercial competition (section 68);

9.7 requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. REMEDIES AVAILABLE WHEN A REQUEST FOR INFORMATION IS REFUSED

10.1 Appeal

Propell does not have an internal appeal procedure. The decisions of the IO are thus final. Requesters should exercise such external remedies at their disposal if the request for information is refused and the requested is not satisfied with the reason supplied by Propell.

10.2 External Remedies

A requester or a third party that is dissatisfied with an IO's refusal to disclose information may within 30 days from the notification of decision, complete Form 5 of annexure A to the Regulations and lodge a complaint to the Regulator at PAIAComplaints@inforegulator.org.za or apply to a relevant Court for relief. For purposes of PAIA, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

11. AVAILABILITY OF THIS MANUAL

11.1 This manual is available free of charge for inspection by the general public upon request, during office hours at the physical address of Propell.

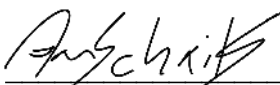
11.2 This manual is also published on Propell's website referred to above.

11.3 Upon payment of a reasonable prescribed fee per each A4-size photocopy made, as contemplated in annexure B to the Regulations, a copy of the manual is also available to any person upon request.

12 UPDATING OF THE MANUAL

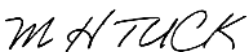
The head of Propell will on a regular basis update this manual.

Issued by



André van Schaik
CEO

and



Mariaan Tuck
Information Officer