



**MIDCITY PROPERTY SERVICES (PTY) LTD
("MidCity Property")**

(Registration Number: 2001/012534/07)

PAIA MANUAL

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Promotion of Access to Information Act 2 of 2000



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1. INTRODUCTION

- 1.1. MidCity Property is a private company registered in terms of the laws of the Republic of South Africa and is a Short Term Insurance Broker specialising in the insurance of Community Schemes.

2. CONTACT DETAILS

COMPANY DETAILS:	
Name of Company:	MidCity Property Services (Pty) Ltd
Head of Body:	Koos Croukamp
Street Address:	MidCity Corner Office, 1st Floor, 500 Jorissen Street, Sunnyside, Pretoria, 0001
Postal Address:	PO Box 4945, Pretoria, 0001
Telephone Number:	012 426 3400
E-mail:	compliance@midcity.property
Website:	https://www.midcity.co.za/
INFORMATION OFFICER DETAILS:	
Name:	Koos Croukamp
Telephone Number:	012 426 3400
E-mail:	compliance@midcity.property
DEPUTY INFORMATION OFFICERS' DETAILS	
Name:	N/A
Telephone Number:	N/A
E-mail:	N/A

3. AVAILABILITY AND PURPOSE OF THIS PAIA MANUAL

- 3.1. This PAIA Manual can be requested from the Information Officer or Deputy Information Officer, which copy may also be inspected at MidCity Property's physical address set forth in paragraph 2 above.
- 3.2. The primary purpose of this PAIA Manual is to facilitate requests for access to information held by MidCity Property, which requests shall be made in accordance with the prescribed procedures and at the rates provided for in paragraphs 9 and 10 of this PAIA Manual. In addition to the above, the further purposes of this PAIA Manual, are to describe the records held by MidCity Property and to clearly articulate the grounds upon which access to any such records may be refused.

4. THE ACT AND SECTION 10 GUIDE

- 4.1. PAIA grants a requester of information access to records of an individual or private body held by an entity or natural person if the record is required for the exercise or protection of any rights. If a public body lodges a request for access to records held by MidCity Property, such public body must be acting in the public's interest.
- 4.2. Requests in terms of PAIA shall be done in accordance with the prescribed procedures, at the rates provided and set out by PAIA. The forms and rates are dealt with in paragraphs 9 and 10 of PAIA.
- 4.3. Requesters are referred to the Guide in terms of Section 10 of PAIA ("Guide"), which Guide has been amended and updated by the Information Regulator to assist the requester on how to use PAIA in an easily comprehensible form and manner.



4.4. The Guide can also be obtained **here** or:

- 4.4.1. upon request to the Information Regulator by completing FORM 1 – REQUEST FOR A COPY OF THE GUIDE from the website of the Regulator (<https://inforegulator.org.za/paia-forms/>);
- 4.4.2. a copy of the Section 10 Guide is also available in the following official languages for public inspection during normal office hours (English/isiZulu/Sesotho) at the office of the Information Regulator, situated at Woodmead North Office Park, 54 Maxwell Drive Woodmead, Johannesburg, 2191.

5. APPLICABLE LEGISLATION

MidCity Property keeps information/documents in accordance with the following legislation (please note that this is not an exhaustive list):

<u>No</u>	<u>Ref</u>	<u>Act</u>
1.	No 71 of 2008	Companies Act
2.	No 55 of 1998	Employment Equity Act
3.	No 58 of 1962	Income Tax Act
4.	No 66 of 1995	Labour Relations Act
5.	No 89 of 1991	Value Added Tax Act
6.	No 75 of 1997	Basic Conditions of Employment Act
7.	No 2 of 2000	Promotion of Access of Information Act
8.	No 63 of 2001	Unemployment Insurance Act
9.	No 37 of 2002	Financial Advisory and Intermediary Services Act
10.	No 25 of 2002	Electronic Communications and Transactions Act
11.	No 4 of 2013	The Protection of Personal Information Act
12.	No 53 of 2003	The Broad Based Black Economic Empowerment Act



6. SCHEDULE OF RECORDS

6.1. The following records are not automatically available without a request therefor in terms of the Act (please note that this is not an exhaustive list):

- Company Secretarial:
 - Company Memorandum of Incorporation/Registers/Statutory returns
- Movable and Immovable Property:
 - Title Deeds
 - Lease Agreements
 - Hire Agreements/Rental Agreements
- Intellectual Property:
 - Trademarks
 - Patents
- Insurance:
 - Insurance Policies/Claims Files
- Third Parties:
 - Records held by MidCity Property relating to other parties, including financial records, correspondence, contractual records, records provided by other parties and records third parties have provided about MidCity Property's contractors and suppliers in respect of contractors, suppliers, subsidiary or fellow subsidiary companies, joint venture partners and service providers.
- Human Resources:
 - Policies and Procedures
 - Employee Information
 - Personnel Files
 - Conditions of Employment
 - Training Schedule and Related Material
- Finance:
 - Financial Statements
 - Reports and Returns
 - Banking Details and Bank Account Records
 - Debtors/creditors Statements and Invoices

7. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

7.1. The following records and information are automatically available without a person having to request access in terms of PAIA:

- 7.1.1. Records of a public nature which are in the public domain such as displayed on a website, may be accessed without the need to submit a formal application. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application.



8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

8.1. Upon receipt of a request for access to information, MidCity Property will be required to consider such a request in light of the provisions of section 50 of the PAIA Act. Subject to such consideration, MidCity Property will be required to either grant such a request or refuse such a request. If MidCity Property elects to refuse access to a particular record, such refusal will be subject to MidCity Property's interpretation of the various prescribed grounds for refusal as set forth in Chapter 4 of the PAIA Act and in the table below:

Ground(s) For Refusal	Description and Explanation of Ground(s) for Refusal
Mandatory protection of privacy of third party who is a natural person [Section 63 of PAIA]	MidCity Property may refuse access to a record if the disclosure of that record would involve the unreasonable disclosure of personal information relating to a third party, including a deceased individual.
Mandatory protection of commercial information of third party [Section 64 of PAIA]	MidCity Property may refuse a request for access to a record if the record comprises of or is constituted by the following information relating to a third party – • Trade secrets of a third party; • Financial, commercial, scientific or technical information, other than trade secrets, of a third party, which if disclosed is likely to cause harm to the commercial or financial interests of the third party; • Information which has been supplied in confidence by a third party, the disclosure of which could reasonably be expected to place the third party at a disadvantage in contractual or other negotiations or is likely to prejudice the third party in commercial competition.
Mandatory protection of certain confidential information of a third party [Section 65]	MidCity Property may refuse access to a record which if disclosed would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement or contractual relationship.
Mandatory protection of safety of individuals and protection of property [Section 66]	MidCity Property may refuse a request for access to record if its disclosure could reasonably be expected to endanger the life or physical safety of an individual, or if its disclosure would be likely to prejudice or impair the security of: • a building, structure or system, including but not limited to a computer or communication system, a means of transport or any other property; • method(s), system(s), plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public, or any part of the public or the security of property.
Mandatory protection of records privileged from production in legal proceedings [Section 67]	MidCity Property may refuse a request for access to a record if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.



Commercial information of Private Body [Section 68]	MidCity Property may refuse a request for access to a record if the record contains (or comprises of): • Trade secrets of the Private Body; • Financial, commercial, scientific or technical information, other than trade secrets of the Private Body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Private Body; • Information, the disclosure of which could reasonably be expected to put the Private Body at a disadvantage in contractual or other negotiations or prejudice the Private Body in commercial competition; • A computer programme (as defined in section 1(1) of the Copyright Act 98 of 1978 as amended) owned by the Private Body, except insofar as it is required to give access to a record to which access is granted in terms of the PAIA Act.
Mandatory protection of research information of third party, and protection of research information of private body [Section 69]	MidCity Property may refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party/private body, the disclosure of which would be likely to expose the third party/private body, a person that is (or will be) carrying out the research on behalf of the third party/private body, or the subject matter of the research to serious disadvantage.

9. FORM OF REQUEST

9.1. To facilitate the processing of your request, kindly:

- Use the prescribed Form, Form 2, as provided as **Annexure A** , available on MidCity's website: www.midcity.co.za
- Address your request to MidCity Property's Information Officer.
- Provide sufficient details to enable MidCity Property to identify:
 - The record(s) requested.
 - The requester (and if an agent is lodging the request, proof of capacity).
 - The form of access required.
 - The postal address or e-mail of the requester in South Africa.
- If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- The Information Officer will respond to a request in the format of Form 3, as listed in Annexure B hereto. The said form is used to report the outcome of a request as well as information regarding the required fees payable, if applicable
- **Kindly refer to Annexure C hereto, setting out the diagram of the PAIA request process.**



10. PRESCRIBED FEES

10.1. The following access fees apply to requests (other than personal requests) and are payable by the requester to cover the costs of finding and copying the records requested:

- 10.1.1. A requestor is required to pay the prescribed non-refundable fee of R140.00 before a request will be processed by MidCity Property.
- 10.1.2. If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 10.1.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 10.1.4. Records may be withheld until the fees have been paid.

Prescribed fees can be found on MidCity's website as follows:

- **Annexure B** – Prescribed Fee Tariff – www.midcity.co.za

11. REMEDIES AVAILABLE WHEN A REQUEST IS DENIED

11.1. Internal Remedies

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final.

If a request is denied and the requester is dissatisfied with the Information Officer's decision, the requestor will be required to exercise such external remedies at their disposal if a request for information is refused.

11.2. External remedies

A requestor or a third party who is dissatisfied with an Information Officer's refusal to disclose information or the disclosed information may within 30 (thirty) days of notification of the decision apply to a court with appropriate jurisdiction or contact the Information Regulator for relief.

12. CONTACT DETAILS OF THE INFORMATION REGULATOR

Information Officer Chief Executive Officer:	Mr. Mosalanyane Mosala
Contact Person	Ms. Pfano Nenweli
Email:	PNenweli@justice.gov.za
Deputy Information Officer:	Ms. Varsha Sewlal
Email:	VarSewlal@justice.gov.za
Physical Address:	Woodmead North Office Park, 54 Maxwell Drive Woodmead, Johannesburg, 2191
Postal Address:	P.O. Box 31533 Braamfontein Johannesburg 2017
Telephone:	010 023 5200



ANNEXURE C

PAIA Request Process

