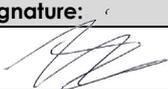


	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 1 of 10

Process Owner: Head of Legal	Risk: Wrongfully providing information and/or refusing to provide information to a Requester. Possibility of Legal action in the event of non-compliance.	Mitigation: The manual must be adhered to, and requests for information must be dealt with correctly as per the respective procedures in the manual. All relevant parties must be informed on the contents of the manual. Updating and checking the manual regularly to cater for industry changes.
Signature: 	KPI: Zero Non-compliances found in respect of the request procedure.	

PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL

IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2000

Created / Revised By:	Reviewed By:	Approved By:	Effective Date:
Legal Advisor	Head of Legal & Annuity	Executive Committee	
Signature:	Signature:	Signature:	As at March 2022
			

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	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
	Page 2 of 10	

TABLE OF CONTENTS

1. The Act 3

2. Company Information and Contact details..... 3

3. The Guide..... 3

4. Applicable Legislation 4

5. Access to Records 4

5.1. Subjects and Categories of Records held 4

5.2. The Request Procedure and Fees 4

6. Refusal of access to records 5

6.1. Grounds to refuse Access..... 5

6.2. Additional Grounds 6

7. Remedies 6

7.1. Internal Remedies..... 6

7.2. External Remedies 6

8. Prescribed Fees 6

9. Availability of the Manual 7

10. Attachments 7

“APPENDIX A” 8

“Uncontrolled Copy when printed. This document is only valid for 1 day”

	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 3 of 10

1. The Act

The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

This Promotion of Access to Information Manual ("the Manual") has been compiled in accordance with section 14 of the Act. The aim of this Manual is to facilitate the requests for access to records from Balwin as contemplated under the Act.

2. Company Information and Contact details

Balwin Properties Limited, registration number: 2003/028851/06 ("Balwin") is a listed JSE company with more than two decades' experience in the South African property industry. Since 1996, Balwin has been designing, building, marketing, and selling secure, affordable, high-quality, environmentally friendly sectional title residential apartments.

The Head of Legal of Balwin has been duly appointed as the Deputy Information Officer by the Chief Executive Officer, to act as the person to whom requests for access to information must be made in terms of the Act.

ATTENTION: **Head of Legal (Deputy Information Officer)**

Postal address: Private Bag x4
Gardenview
Johannesburg
2047

Physical address: 105 Corlett Drive
Melrose
Johannesburg
2196

Telephone: (011) 450 2818

E-mail address: information@balwin.co.za

Website: www.balwin.co.za

3. The Guide

The PAIA guide is available in all official South African languages at no cost, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

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	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 4 of 10

The South African Human Rights Commission

PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone: +27 11 877 3600
Website: www.sahrc.org.za

or

The Information Regulator

33 Hoofd Street
Forum III, 3rd Floor Braampark
P.O Box 31533
Braamfontein, Johannesburg, 2017

Telephone: +27 10 023 5207
Website: <https://www.justice.gov.za/inforeg/index.html>

4. Applicable Legislation

Where applicable to Balwin's operations, information is available in accordance with relevant national legislation.

5. Access to Records

Where applicable to Balwin's operations, information is available in accordance with relevant national legislation.

5.1. Subjects and Categories of Records held

The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

5.2. The Request Procedure and Fees

5.2.1. The requester must use the prescribed form (Annexure A) to make the request for access to a record. This must be made to the Deputy Information Officer. This request must be made to the address or electronic mail address of the Deputy Information Officer of Balwin.

5.2.2. The requester must provide sufficient detail on the request form to enable the Deputy Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

"Uncontrolled Copy when printed. This document is only valid for 1 day"

	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 5 of 10

- 5.2.3. The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 5.2.4. If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Deputy Information Officer.
- 5.2.5. The Deputy Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the fee of R50 before further processing the request. A personal requester does not pay such fee.
- 5.2.6. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- 5.2.7. The Deputy Information Officer will then decide on the request and notify the requester in the required form.
- 5.2.8. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

6. Refusal of access to records

6.1. Grounds to refuse Access

- 6.1.1. All requests that meet the requirements detailed above will be processed in line with the time limits as set out in PAIA. Requests may be refused based on the following grounds, as set out in PAIA
 - Mandatory protection of privacy of a third party who is a natural person;
 - Mandatory protection of commercial information of a third party;
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of Balwin; or
 - Mandatory protection of research information of a third party and of Balwin.
- 6.1.2. Requestors will be informed within 30 (thirty) days of a decision on whether the request for access has been granted or refused.
- 6.1.3. This 30 (thirty) day period may be extended for a further 30 (thirty) day period if more time is required to gather the requested information. The requestor will however be notified if the initial 30 (thirty) day notice period will be extended for a further 30 (thirty) days.
- 6.1.4. Requests for information that are clearly frivolous or vexatious, of which involve an unreasonable diversion of resources shall be refused;

“Uncontrolled Copy when printed. This document is only valid for 1 day”

	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 6 of 10

6.1.5. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

6.2. Additional Grounds

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party.

7. Remedies

7.1. Internal Remedies

Balwin does not have internal appeal procedures. The decision made by the Deputy Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the Deputy Information Officer.

7.2. External Remedies

7.2.1. A requestor that is dissatisfied with the Deputy Information Officer's reasons for refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

7.2.2. A third party dissatisfied with the Deputy Information Officer's reasons for refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

For the purposes of the Act, the relevant Courts that have jurisdiction for such applications are:

- Constitutional Court;
- High Court;
- Another court of similar status; or
- Magistrate's Court designated by Minister of Justice and Constitutional Development.

8. Prescribed Fees

8.1. The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two types of fees payable:

8.1.1. **Request fee:** A non-refundable request fee of R50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the person requesting – in this instance no fee is payable.

"Uncontrolled Copy when printed. This document is only valid for 1 day"

	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 7 of 10

8.1.2. **Access fee:** An access fee is payable prior to being granted access to the records in the form required. These fees are prescribed in Part III of Annexure A as defined in Government gazette Notice No. 187, Regulation 11.

- 8.2. When the request is received by the Deputy Information Officer, such officer will by notice require the requester to pay the prescribed fee before further processing of the request.
- 8.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Deputy Information Officer will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 8.4. The Deputy Information Officer will withhold a record until the requester has paid the relevant fee.
- 8.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for the search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.
- 8.6. If a deposit has been paid in respect of a request for access, which is refused, the Deputy Information Officer concerned must repay the deposit to the requester.
- 8.7. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters will be informed of any changes to the fees prior to making a payment.

9. **Availability of the Manual**

- 9.1. The manual is available for inspection at the offices of Balwin at no cost and on the website - www.balwin.co.za. Copies are also available with the SAHRC.
- 9.2. This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. The manual will be updated at such intervals as may be deemed necessary.

10. **Attachments**

Appendix A: Request for Information Form

“Uncontrolled Copy when printed. This document is only valid for 1 day”

	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 8 of 10

“APPENDIX A”

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION

Full Names & Surname: _____

Identification Number: _____

Telephone Number: _____

Fax Number: _____

E-Mail Address: _____

Postal Address: _____

Code: _____

Capacity in which the request is made, when made on behalf of another person:

2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

Only complete this section if a request for information is made on behalf of another person.

Full Names & Surname: _____

Identification Number / Company Number: _____

3. PARTICULARS OF REQUESTED INFORMATION

Provide full particulars of the information to which access is requested. If the provided space is not sufficient, please continue on a separate page and attach it to this form. Any additional pages submitted must be initialled and signed.

“Uncontrolled Copy when printed. This document is only valid for 1 day”

	BALWIN PROPERTIES LIMITED	Document Number
		MAN-LEG-001
	Legal	Revision No. & Date
		02 – 07 March 2024
	PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL	Page Number
		Page 10 of 10

7. NOTICE OF APPROVAL / REJECTION OF REQUEST

You will be notified via e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:

Signed at: _____ on this _____ day of _____ 20____

Signature of person submitting the request

Person on whose behalf request is made

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