RODE & ASSOCIATES PTY LTD

2009/005600/07

(hereafter called “Private Institution”)

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act

2/2000

(the "ACT")
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1. **INTRODUCTION**

Rode & Associates ("Rode") has since 1987 been an authoritative industry reference in the South African property market. It is Cape Town-based and operates nationally and in the SADC\(^1\) region.

The company professionals comprise a multidisciplinary team of professional valuers (appraisers\(^2\)), planners, property economists, geographers, and public-management and development specialists.

**STRUCTURE**

The Rode group of companies consists of a head office in Cape Town, with franchise offices in Knysna (Rode Knysna) and Wellington (Rode Land), and it operates nationally.

**SERVICES**

1. **Division: Property economics & Publications**

Rode’s property economics department produces four research journals. In order to do this, it surveys the South African and Namibian (Windhoek only) property markets every quarter, using the expert-panel method of polling. The department then interprets the data and publishes its findings.

2. **Division: Property Research, Asset Management & Government Advisory Services**

This division renders policy and management services to the public sector, and similar services to the private sector. The major focus areas are:

- **Surveys and market research**
- **Government immovable asset & development management: management and administration; local, regional and national development**

**Major clients** of the division include: Western Cape Provincial Government ° National Department of Public Works.

3. **Division: Town Planning (RodePlan):**

The RodePlan division specialises in town and regional planning:

- Land use, Spatial planning, SDFs and SDFPs
- Governmental integrated development planning, Specialist studies, viz. land-use and socio-economic assessments in terms of the National Environmental Management Act, 107 of 1998 (NEMA).

4. **Division: Rode Valuations**

For practitioners in the property industry, the almost 33-year old firm 'Rode' is synonymous with *Rode’s Report*, property statistics, consultancy and property economics. However, under the radar this firm has over the past two decades grown to become one of the 'big five' valuation companies in the country.

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\(^1\) Southern African Development Community  
\(^2\) In the American sense of the word
2. **COMPANY CONTACT DETAILS**

Head of Private Body: Erwin Gustav Rode
Postal Address: PO Box 1566, Bellville, 7535
Street Address: 9 – 11 de Villiers Street, Bellville, 7530
Telephone Number: +27 21 946 2480
Fax Number: +27 21 946 1238
Email: erwin@rode.co.za
Web address: www.rode.co.za
Directors: Erwin Gustav Rode
Information officer: Chris Wilson
Street Address: Unit G05, Century Gate Office Park, cnr. Bosmansdam Road & Century Way, Century City, Cape Town, 7441
Postal Address: P O Box 1712, Milnerton, Cape Town, 7435
Telephone: +27 21 417 8734
Fax: +27 086 564 1660
Email: chris.wilson@kilgetty.co.za / paia@kilgetty.co.za
Website: http://www.kilgetty.co.za
3. **THE ACT**

3.1 The ACT 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 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.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag X2700, Houghton, 2041
Telephone Number: +27-11-877 3803
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za
4. **APPLICABLE LEGISLATION**

A breakdown of legislation serving as a description of the Private Institution’s records:

- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Financial Intelligence Centre Act, 38 of 2001
- Value Added Tax Act, 89 of 1991
- Skills Development Levies Act, 9 of 1999
- Pension Funds Act, 24 of 1956
- Income Tax Act, 58 of 1962
5. **SCHEDULE OF RECORDS**

<table>
<thead>
<tr>
<th>Records</th>
<th>Subject</th>
<th>Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Affairs</strong></td>
<td>Documents of Incorporation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minutes of meetings held by management and/or staff members</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lists of internal telephone numbers</td>
<td></td>
</tr>
<tr>
<td><strong>Financial</strong></td>
<td>VAT records</td>
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<td></td>
<td>Tax records</td>
<td></td>
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<tr>
<td></td>
<td>Cheque account</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monthly / quarterly / annual statements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cash records</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Reports on the financial standing of the business</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Financial records</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(invoices, delivery advices, statements)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>PAYE records</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Asset register(s)</td>
<td></td>
</tr>
</tbody>
</table>

**Operational documentation and records:**

- Written policy in terms of activities /
- Business plan
- Licences, permits or authorisations
- Database of clients
Records of correspondence

with clients

current / previous price lists / both

Employee particulars:

Personal records provided by staff (including permanent and temporary staff members) including but not limited to:

- Number of permanent employees: 15
- Number of part-time or contract workers: 0
- Service contracts
- Payment advices / salary advices in respect of employees
- Curriculum vitae of employees

"Personnel" refers to any person working for the Private Institution or who renders services to or on behalf of the Private Institution, and who receives remuneration or who is entitled thereto, and any other person who helps with the operation of the Private Institution. This includes, without restriction, all directors and all permanent, temporary and part-time staff members.

Records of staff members and/or employees:

- Remuneration / salary status
- Leave records
- Academic history
- Letter of appointment / service contracts
- Disciplinary records
- Written company policy
- Service attendance register

Monthly contributions in terms of employees:

- Provident fund
- Unemployment insurance fund
- Medical aid fund
- Records of deductions from employee salaries
- Any contracts with independent contractors
- Any tax decision in terms of independent contractors

Security records
- Not applicable

Information technology records
- Computer generated database

Records kept in terms of Third Party (Parties)

Personnel records and/or client records of the Private Institution’s records held by another party (e.g. marketing agent) against records held by Private Institution itself;

Records that the Private Institution keeps regarding other parties, including but not limited to financial records, correspondence, contractual and transaction records, as well as any records provided by the other party and records provided by third parties in terms of contractors / suppliers.

Records pertaining to employees, staff members and job applicants.
6. **FORM OF REQUEST**

To facilitate the processing of your request, kindly:


6.2 Address your request to the Head of the Company (CEO).

6.3 Provide sufficient details to enable the COMPANY to identify:

   (a) The record(s) requested;

   (b) The requester (and if an agent is lodging the request, proof of capacity);

   (c) The form of access required;

   (d) (i) The postal address or fax number 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;

   (e) 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.

*Application procedure to gain access to information*

**Access to records held by the PRIVATE INSTITUTION**

- Access to records held by the *Private Institution* may only be obtained once the prerequisites for access have been complied with.

- An applicant is any person applying for access to a record of the *Private Institution*. Two types of applicants are recognised:

  **Personal applicant**
A personal applicant is someone requiring access to a record containing personal information about the applicant.

The **Private Institution** will provide the requested information voluntarily or provide access to any record pertaining to the applicant’s personal information. The prescribed reproduction fee for the requested information applies.

**Other applicant**

This applicant (unlike a personal applicant) is entitled to request access to information on third parties. However, the **Private Institution** is not obliged to grant voluntary access to such information. The applicant has to comply with the prerequisites for access under **The Law**, including the payment of the required access fee.

- The applicant needs to comply with all the prerequisites as outlined in **The Law** pertaining to an application for access to information.
- The applicant needs to complete the prescribed form included as Appendix 1 and send it, accompanied by the required application fee and deposit, if applicable, to the Information Officer at the postal address or physical address, or the fax number or electronic postal address provided in Section 1 above.

The prescribed form needs to be completed with sufficient detail in order to allow the Information Officer to at least identify the following:

  - The record or records requested;
  - The name of the applicant,
  - In what format the information is required, should the request be granted;
  - The applicant’s postal address or fax number;

- The applicant needs to mention that he / she requires the information in order to protect or exercise a right. In addition, the applicant needs to explain clearly why such record is essential to protect or exercise such right.
- The **Private Institution** will process the application within 30 days unless the applicant provides a special reason which will convince the Information Officer that circumstances require the waiver of the above-mentioned period of time.
- The applicant will be informed in writing whether the request for access to information has been granted or not. Should the applicant wish to be informed of such decision in any other way, he or she should indicate such request and provide the particulars required to comply with the request.
- In cases where a request is made on behalf of another person, the applicant must provide proof of the capacity of the person on whose behalf the request is made, to the reasonable satisfaction of the Information Officer.
- Should the individual not be in a position to complete the prescribed form as a result of illiteracy or disability, such a person may make an oral request.
• The applicant must pay the prescribed fee before any further processing of the request can take place.

**Grounds for refusal of access to information**

The main grounds on which the *Private Institution* can refuse a request for information are related to the following:

• Obligatory protection of privacy of the third party, who is a natural person, where this will inevitably involve the unfair disclosure of personal information of such person.

• Obligatory protection of the commercial information of a third party should the record contain the following:
  - Trade secrets of such third party;
  - Financial, commercial or technical information where disclosure will most likely harm the financial or commercial interests of such third party;
  - Information confidentially furnished by a third party, where such disclosure will be to the detriment of the third party in negotiations or commercial competition.

• Obligatory protection of confidential information of third parties if this information is protected in terms of any agreement;

• Obligatory protection of confidential information for the protection of property;

• Obligatory protection of records regarded as privileged in legal litigation;

• The commercial activities of the *Private Institution* which may include the following:
  - Trade secrets of the *Private Institution*,
  - Financial, commercial, scientific or technical information which may harm the financial or commercial interests of the *Private Institution* should this information be disclosed;
  - Any information that may have a negative impact on the *Private Institution*’s bargaining power or commercial competition;
  - A computer program owned by the Private Institution and protected by copyright;

• Research information in terms of the Private Institution or a third party, should the disclosure of such information harm the identity of the Private Institution; the
researcher; or reveal the subject of research and seriously damage the research as a result of this;

- Requests for information that are clearly trivial or malicious, or which will require an unreasonable deviation from or distortion of available sources, will be refused.

Legal means available should a request be refused

**Internal legal means**

The *Private Institution* does not have an internal appeal procedure. Hence, the decision of the Information Office is final. Consequently, if the applicant is not satisfied with the refusal of a request by the Information Officer, the applicant should appeal to the external legal means at his or her disposal.

**External legal means**

An applicant who is dissatisfied with the Information Officer’s refusal to disclose information can, within 30 days after receiving notice of such decision, appeal to a *Court* for intervention by the relevant Court.

Similarly, a third party that is dissatisfied with the Information Officer’s decision to refuse a request for information can, within 30 days after receiving notice of such decision, appeal to a *Court* for intervention by the relevant Court. For the purposes of *The Law*, reference to a *Court* is any Court with similar status.

Resolution

The *Private Institution* will, within 30 days after receipt of a request, decide whether the application will be granted or refused. The applicant will be notified accordingly – reasons for the decision will be provided (if requested).

The 30-day period in which the *Private Institution* has to decide whether to grant or refuse the application may be extended with another period not exceeding thirty days should the application involve a large amount of information, or should the information requested be kept at another office of the *Private Institution*, which makes it not readily accessible within the prescribed period of 30 days. However, the *Private Institution* will notify the applicant in writing should a longer period of time be required.

7. **PRESCRIBED FEES**

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

7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
7.2 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);

7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

7.4 Records may be withheld until the fees have been paid.

7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

**Fees payable**

*The Law* provides for two types of fees, namely:

- An application fee, which will be a standard fee; and
- An access fee which must be calculated taking into account reproduction costs, tracking and preparation time and costs, as well as dispatch costs.

When the Information Officer receives an application for access to information, he/she will request the applicant (other than a personal applicant) to pay the prescribed access fee (if any) before any attention will be paid to the relevant request.

Should it be necessary to trace records as preparation to supply the requested information, which may include arrangements to make information available in the requested format, and this requires more time than the prescribed period of time as mentioned in the relevant regulation, the Information Officer will request the applicant to pay a deposit (as outlined in Annexure 2).

The Information Officer will hold back the requested information until the applicant has paid the fees as mentioned in Annexure 2.

Should an applicant’s request for access to information be granted, the applicant will be responsible for paying an access fee in terms of the following: making copies, tracing and preparing such material, as well as any additional time (over and above the prescribed hours) reasonably required to trace records in preparation of the request, including arrangements to provide the information in the requested format.

If a deposit has been paid and a request for access to information is refused, the relevant Information Offices will refund the applicant accordingly.
AVAILABILITY OF THE MANUAL

This manual is made available in terms of Regulation R.187 dated 15 February 2002.

The manual of the Private Institution is also available on the institution’s website (if applicable).

.................................................
ERWIN G RODE
CHIEF EXECUTIVE OFFICER

.................................................
DATE

22-04-2020
FORM C

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]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The particulars of the person who requests access to the record must be given below.</td>
</tr>
<tr>
<td>(b)</td>
<td>The address and/or fax number in the Republic to which the information is to be sent must be given.</td>
</tr>
<tr>
<td>(c)</td>
<td>Proof of the capacity in which the request is made, if applicable, must be attached.</td>
</tr>
</tbody>
</table>

Full names and surname:
Identity number:
Postal address:
Fax number:
Telephone number: E-mail address:
Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:
Identity number:

D. Particulars of record

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.</td>
</tr>
<tr>
<td>(b)</td>
<td>If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.</td>
</tr>
</tbody>
</table>
1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

<table>
<thead>
<tr>
<th>Disability:</th>
<th>Form in which record is required</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

<table>
<thead>
<tr>
<th>copy of record*</th>
<th>inspection of record</th>
</tr>
</thead>
</table>

2. If record consists of visual images
   this includes photographs, slides, video recordings, computer-generated images, sketches, etc

<table>
<thead>
<tr>
<th>view the images</th>
<th>copy of the images*</th>
<th>transcription of the images*</th>
</tr>
</thead>
</table>

3. If record consists of recorded words or information which can be reproduced in sound:

| copy of record* | transcription of the images* |
Listen to the soundtrack
Audio cassette
Transcription of soundtrack
Written or printed document

4. If record is held on computer or in an electronic or machine-readable form:

<table>
<thead>
<tr>
<th>printed copy of record*</th>
<th>printed copy of information derived from the record&quot;</th>
<th>copy in computer readable form* (stiffy or compact disc)</th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
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</tbody>
</table>

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

YES NO

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at.................................. This........... day of .....................................20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE