

PROMOTION OF ACCESS TO  
INFORMATION (PAIA)  
MANUAL

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

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## 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 must 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 Legaro Property Development as contemplated under the Act.

## 2. **Company Information and Contact details**

Legaro Property Development (Registration Number 2017/084528/07) is an international award-winning property developer based in South Africa. Established in 2017, Legaro focuses on high-end residential and commercial developments with a core philosophy centered on sustainability and eco-friendly design.

The Head of Legal/Director of Legaro has been designated as the Information Officer to whom requests for access to information must be made.

- **Physical Address:** 78 Corlett Drive, Melrose, Johannesburg, 2196
- **Postal Address:** Suite 8, Private Bag x16, Craighall, Johannesburg, 2024
- **Telephone:** (010) 035 3410
- **E-mail address:** info@legaro.co.za
- **Website:** [www.legaro.co.za](http://www.legaro.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:

### **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](http://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 Legaro's operations, information is available in accordance with relevant national legislation.

#### **5. Access to Records**

Where applicable to Legaro'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 Legaro

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.

- 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 Legaro or
  - Mandatory protection of research information of a third party and of Legaro.
- 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;

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**

Legaro 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.

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 Legaro at no cost and on the website [www.legaro.co.za](http://www.legaro.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*

## **“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 initialed and signed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. FORMAT IN WHICH INFORMATION IS REQUESTED**

Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of person submitting the request

\_\_\_\_\_  
Person on whose behalf request is made