



TIRHANI
AUCTIONEERS

**BUY & SELL ASSETS
EFFORTLESSLY**

TIRHANI AUCTIONEERS GAUTENG CC ("TIRHANI AUCTIONEERS")

ACCESS TO INFORMATION MANUAL

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
(as amended)**

Tirhani Auctioneers Gauteng Cc. Registration No. 2008/016935/23

Physical Address: 1 Centex Close/Corner Katherine Street | Eastgate Ext 4 | **SANDTON** | 2090

Postal Address: P.O. Box 2591 | **RIVONIA** | 2128 | **Tel:** +27 (0) 11 608 2280

Website: www.tirhani.co.za | **Email:** info@tirhani.co.za

Members: Dr. T.E. Mabunda | Mrs V. Jones



1. DEFINITIONS

In this document, unless the context indicates otherwise, the words and expressions set out below shall have the meanings assigned to them and cognate expressions shall have a corresponding meaning, namely:

COMPANIES ACT	Means the Companies Act No.71 of 2008, as amended from time to time or any replacement act, read with the Companies Regulations 2011, promulgated thereunder.
CLOSE CORPORATION ACT	Means the Close Corporation Act No.69 of 1984, reading concurring with the Companies Act No.71 of 2008.
TIRHANI AUCTIONEERS	Means Tirhani Auctioneers Gauteng Close Corporation (“Tirhani Auctioneers”), a juristic persona incorporated under the company laws of South Africa with registration number 2008/016935/23.
MANUAL	Means this PAIA manual.
PAIA	The Promotion of Access to Information Act 2 of 2000.
POPI	The Protection Information Act No.4 of 2013.
PERSONAL INFORMATION	Shall have the meaning ascribed thereto in terms of section 1 of POPI, namely: any information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to – information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that would reveal the contents of the original correspondence; the views or opinions of another individual regarding the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
REPUBLIC	Republic of South Africa.
IO	Information Officer.
DIO	Deputy Information Officer.
REGULATOR	Information Regulator.
INFORMATION REGULATOR	The office of the Information Regulator has been established, in terms of section 39 of POPIA, to monitor and enforce compliance with both POPIA and PAIA. In this Guide the office of the Information Regulator or the Information Regulator is referred to as the Regulator.
PRIVATE BODY	A private body is a person, company or other kind of juristic entity that carries on trade, business or profession, including a political party.
SAHRC	South African Human Rights Commission.
THE REQUESTER	The natural or juristic person requesting access to information. A requester also refers to the person making a request on behalf of somebody else
THIRD PARTY	Any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

2. BACKGROUND

THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA") AND THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 ("POPIA")

Section 32 of the Constitution of the Republic of South Africa deals with the right of access to information. It provides that everyone has the right of access to any information that is held by the State; as well as any information that is held by another person that is required for the protection of any rights.

In 2000, the Promotion of Access to information Act (PAIA) came into law, with the responsibility of fulfilling the provisions of section 32 of the constitution. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at encouraging an open democracy where individuals from all walks of life are empowered to engage with government and participate in decisions which affect their lives.

Note: The right of access to information is enshrined in the Bill of Rights of the South African Constitution. In order to give effect to this right, access to information should be granted as often as possible.

2.1. THE PURPOSE OF THIS MANUAL

This Manual is prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") (as amended) and in compliance with the requirements of the Protection of Personal Information Act, No.4 2013 ("POPIA").

2.2. HOW ARE POPIA AND PAIA RELATED?

The Information Regulator is a new independent body which is set up to monitor both POPIA and PAIA, and to handle complaints relating to access to information and the protection of personal information. Under POPIA the SAHRC's functions in terms of PAIA were transferred to the Information Regulator.

Note: The SAHRC still retains its Constitutional obligation to promote, protect and monitor the right of access to information as a right enshrined in the Bill of Rights.

3. COMPANY BACKGROUND – TIRHANI AUCTIONEERS

Tirhani Auctioneers, a wholly owned subsidiary established in 2001 is South Africa's largest black-owned and black-managed auctioneering company offering client's one stop asset disposal solutions spanning the entire value chain from tracing, verification, recovery, storage, valuation and ultimate disposal either using conventional (private treaty) or competitive (live and online auction) methods.

Tirhani Auctioneers specializes in the disposal of:

- movable assets (vehicles, earthmoving equipment, machinery, furniture, etc.),
- immovable property (agricultural, commercial, industrial and residential real estate) and
- livestock/game

3.1. COMPANY DETAILS

Registration Number	2008/016935/23
Company Name	Tirhani Auctioneers Gauteng Close Corporation
Physical Address	1 Centex Close Corner Katherine Street Eastgate Ext 4 Sandton
Postal Address	PO Box 2591 Rivonia 2128
Email Address	info@tirhani.co.za
Contact Number	011 608 2280
Website	www.tirhani.co.za

3.2. INFORMATION OFFICER DETAILS

Name	Mrs V. Jones
Physical Address	1 Centex Close Corner Katherine Street Eastgate Ext Sandton
Postal Address	PO Box 2591 Rivonia 2128
Email Address	vutomi@tirhani.co.za
Telephone	011 608 2280

3.3. DEPUTY INFORMATION OFFICER

Name	Mrs V. Jones
Physical Address	1 Centex Close Corner Katherine Street Eastgate Ext 4 Sandton
Postal Address	PO Box 2591 Rivonia 2128
Email Address	vutomi@tirhani.co.za
Telephone	011 608 2280

4. SAHRC AND INFORMATION REGULATOR DETAILS

The SAHRC and the Information Regulator have compiled a guide, as contemplated in section 10 of PAIA, containing information to assist any person who wishes to exercise any right as contemplated in PAIA.

The guide may be obtained by any person from the SAHRC website at www.sahrc.org.za and the Information Regulator website at www.justice.gov.za/infoereg/ and any enquiries regarding the guide may be directed to:

4.1. SAHRC - (THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION)

Name	SAHRC - PAIA Unit The Research and Documentation
Physical Address	33 Hoofd Street, Braamfontein, Johannesburg
Postal Address	Private Bag X2700, Houghton, 2041
Email Address	section51.paia@sahrc.org.za
Contact Number	011 877 3600 / 011 877 3645
Website	www.sahrc.org.za
Telefax	011 403 0625

4.2. INFORMATION REGULATOR

Name	Information Regulator
Physical Address	JD House 27 Stiemens Street, Braamfontein
Postal Address	P.O Box 31533, Braamfontein, Johannesburg ,2017
Email Address	complaints.IR@justice.gov.za
Contact Number	010 023 5207
Telefax	011 403-0668

5. CATEGORIES OF RECORDS OF TIRHANI AUCTIONEERS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS - IN REFERENCE TO SECTION 51(1)(b)(II) OF PAIA

A private body may, on a voluntary basis, make available a description of categories of records that are automatically available without a person having to request access in terms of PAIA.

The following categories of records are automatically available for inspection or photocopying. You do not need to request this information in terms of PAIA. However, you may request these categories of information from the Information Officer at vutomi@tirhani.co.za

- Social media post for auctioneers intended for public viewing;
- Pamphlets / brochures intended for public viewing; and
- Other records of a public nature, typically those disclosed on Tirhani Auctioneers' website.
- Statutory records such as those maintained at the CIPC

6. RECORDS OF TIRHANI AUCTIONEERS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION – IN REFERENCE TO SECTION 51(1)(b)(III) OF PAIA.

To the extent applicable to its operations, Tirhani Auctioneers keeps information and documents as required in terms of various legislations.

PAIA and other legislation provides that private bodies shall allow access to specific records, upon request thereof. However, the disclosure of records held by Tirhani Auctioneers may be prohibited in terms of PAIA, POPIA, any other legislation, regulations, contractual agreements or otherwise. Requests for information will therefore be made available to an interested party who is entitled to said information upon approval by the Information Officer. It being specifically noted that any disclosure will always be subject to meeting the requirements and conditions of PAIA, the applicable legislation and Tirhani Auctioneer's internal policies and procedures.

Tirhani Auctioneers retains records of certain information which relates to the following legislations;

- Basic Conditions of Employment Act No. 75 of 1997
- Broad Based Black Economic Empowerment Act No 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Copyright Act No. 98 of 1978
- Consumer Protection Act 68 of 2008
- Currency and Exchanges Act no 9 of 1993 (and Exchange Control Regulations)
- Employment Equity Act No. 55 of 1998
- Electronic Communications and Transactions Act No. 25 of 2002
- Estate Agency Affairs Act, No.112 of 1976
- Financial Intelligence Centre Act, No. 38 of 2001
- Financial Sector Regulation Act No. 9 of 2017
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- National Credit Act No 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Prevention and Combating of Corrupt Activities Act, No. 12 of 2004
- Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000
- Prevention of Organised Crime Act No. 121 of 1998
- Skills Development Levies Act No 9 of 1999
- Skills Development Act No. 97 of 1998
- Trademarks Act. No. 194 of 1993;
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act, No 4 of 2002; and
- Value-added Tax Act No. 89 of 1991

7. SUBJECTS AND CATEGORIES OF RECORDS HELD BY TIRHANI AUCTIONEERS

In reference to Section 51(1)(b)(iv) of PAIA, this clause serves as a reference to the categories of information of Tirhani Auctioneers. The information is classified and grouped according to records relating to the following subjects and categories:

The following records are held by Tirhani Auctioneers –

Company Records or Information

- registration certificate;
- memorandum of incorporation;
- VAT number;
- company signatory and representative details;
- director's / member's minute book; and
- shareholders' minute book.

Financial Records

- annual financial statements;
- accounting records;
- asset details;
- bank and related records;
- income and expense;

Taxation Records

- Pay-as-you-earn records;
- documents issued to employees for income tax purposes;
- records of payments made to the South African Revenue Service on behalf of employees;
- annual tax return records;
- value-added-tax records;
- skills development levies records; and
- unemployment insurance fund records,

Personnel Documents and Records

- copy of identity document;
- proof of address;
- income tax number;
- proof of bank account and bank account details;
- disciplinary records;
- employment contracts;
- leave records;
- training records.

Compliance/ Regulatory Records

- AML Policy
- FICA Internal rules
- Conflicts of interest policy
- Compliance Policy
- Compliance Manual

Human Resources Records

- Employment contracts
- Salary records
- Leave records
- Job descriptions

Information Technology Records

- Agreements
- Accounting system
- Hardware register
- Software license register
- Internet service provider

8. ACCESS TO RECORDS AND REQUEST PROCEDURE

Anyone wishing to request information from Tirhani Auctioneers must comply with the required procedural requirements relating to the request for access to information.

The “requester” must complete the prescribed form available on the website of the SAHRC at www.sahrc.org.za (J752/ Form C) or the one available at the Information Regulator website and submit same, with payment and/or proof of payment to the Information Officer.

The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

- a) the information or records requested;
- b) the identity of the requester
- c) the form of access required;
- d) the postal address or fax number of the requester in the Republic; or
- e) if the requester wishes to be informed of the decision in a different manner (in addition to written), the manner and particulars thereof; and
- f) 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.

Tirhani Auctioneers will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer, that circumstances dictate urgency.

The requester shall be advised whether access is granted or denied in writing. In addition, the Information Officer will include the reason for the decision.

Should a request be made on behalf of another person, then the requester must submit proof of the capacity in they are acting to the satisfaction of the Information Officer.

9. PRESCRIBED FEES *(as required in terms of Section 51(1)(f))*

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

A requestor is required to pay the prescribed fees before a request will be processed. 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). A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit. Records may be withheld until the fees have been paid.

The fees applicable to a request have been detailed in ANNEXURE B, attached hereto for your reference.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Tirhani Auctioneers is entitled to refuse a request for information in terms of Chapter 4 of the Act. Access to information may be subject to the grounds of refusal. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.

The main grounds for Tirhani Auctioneers to refuse a request for information are:

Personal Information of a Third Party (Natural Person)

- Mandatory protection of the privacy of a third party who is a natural person (including a deceased person) which would involve the unreasonable disclosure of personal information of that natural person;

Safety

- Mandatory protection of the safety of individuals and the protection of property;

Commercial Information of a Third Party

Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;
- Financial, commercial, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
- Information disclosed in confidence by a third party to Tirhani Auctioneers or if the disclosure could put that third party at a disadvantage in business negotiations or commercial competition; and
- Confidential information of third parties if it is protected in terms of any agreement or legislation.

Legal Proceedings

- Mandatory protection of records which would be regarded as privileged in legal proceedings;

Information on the commercial activities of Tirhani Auctioneers, which may include:

- Trade secrets of the Tirhani Auctioneers;
- Financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of Tirhani Auctioneers; and
- Information, that if disclosed, it could put Tirhani Auctioneers at a disadvantage in any business negotiations or commercial competition; and
- a computer program which is owned by Tirhani Auctioneers and protected by copyright.

11. REMEDIES

INTERNAL REMEDIES

Tirhani Auctioneers does not provide or have any Internal Appeal Procedure. Therefore, a decision which is made by an Information Officer is said to be a final decision. Requesters who are dissatisfied with a decision of the Information Officer are to exercise remedies available externally. The external remedies, which include approaching the Information Regulator as well as a Court of Law are detailed hereunder.

In accordance with the provisions of PAIA, a requester or third party may submit a complaint to the Information Regulator within 180 days after the final decision of the Information Officer. The requester or third party must make use of a complaint form that is provided on the Information Regulator website. Furthermore, the requester or third party can apply to a court of law through ordinary channels. With regards to PAIA, any reference to an application to court includes an application to a Magistrates' court with jurisdiction to hear the matter. The court or the Information Regulator may decide thereafter.

12. AVAILABILITY OF THE MANUAL (SECTION 51(3)) - IN TERMS OF PAIA

This manual is available for inspection at Tirhani Auctioneers website at www.tirhani.co.za, and at the SAHRC.

13. DETAILS ON THE PROCESSING OF PERSONAL INFORMATION

In compliance with the provision of POPIA, please view the privacy policy on our website at www.tirhani.co.za

14. FORM C AND FEES

The prescribed Form C is annexed to this manual as Annexure A and Fees as Annexure B.

Issued by:

Vutomi Jones
Information Officer
Tirhani Auctioneers Managing Director

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:

TIRHANI AUCTIONEERS GAUTENG CC**B. Particulars of person requesting access to the record**

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

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:

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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

- (a) 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.
- (b) 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 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:

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.....

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.

Disability:	Form in which record is required
Form in which record is required:	

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:					
	copy of record*		inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images		copy of the images"	transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:					
	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:					
	printed copy of record*		printed copy of information derived from the record"	copy in computer readable form* (Stiffy or compact disc)	
'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:

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

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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 _____ On this _____ Day of _____ 20 _____

FEES IN RESPECT OF PRIVATE BODIES IN TERMS OF PAIA

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) of PAIA is R1,10 is for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) of PAIA are as follows:
 - (a) For every photocopy of an A4-size page or part thereof R 1, 10.
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0, 75.
 - (c) For a copy in a computer-readable form on -
 - (i) stiffer disc R7, 50;
 - (ii) compact disc R70,00.
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00;
 - (ii) For a copy of visual images R60,00.
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00;
 - (ii) For a copy of an audio record R30,00.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of PAIA is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) of PAIA are as follows:
 - (1) (a) For every photocopy of an A4-size page or part thereof R1, 10.
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75.
 - (c) For a copy in a computer-readable form on -
 - (i) stiffer disc R7,50;
 - (ii) compact disc R70,00.
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00;
 - (ii) For a copy of visual images R60,00.
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00;
 - (ii) For a copy of an audio record R30,00.
 - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and reparation.
 - (2) For purposes of section 54(2) of PAIA, the following applies:
 - (a) six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.