



Property investment excellence.

## PROMOTION OF ACCESS TO INFORMATION ACT

### INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, No. 2 OF 2000 IN RESPECT OF HYPROP INVESTMENTS LIMITED (REGISTRATION NUMBER: 1987/005284/06)

#### 1. INTRODUCTION

The Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

#### 2. PURPOSE OF THE MANUAL

This manual is a guide to accessing records held by Hyprop Investments Limited and its subsidiaries (collectively referred to as “**Hyprop Investments**”) and is intended to provide guidelines to the members of the public who wish to exercise their constitutional rights embodied in PAIA.

This manual contains a guide in respect of how to lodge a request for information; the types of records that are available; grounds for refusal; what procedures will be followed in considering a request; the applicable fee structure; and information on the applicable appeal procedures should you not be satisfied with the outcome of the request.

#### 3. FURTHER GUIDANCE FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission (“**SAHRC**”) has compiled a guide in terms of Section 10 of PAIA. This guide contains information required by any person wishing to exercise any right set out in PAIA. It is available in all of the official languages. This guide is available from the offices of the SAHRC at-

Physical Address: Braampark Forum 3,  
33 Hoofd Street,  
Braamfontein,

Telephone Number: 011 887 3643

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### 4. **POPIA AND PAIA**

The Protection of Personal Information Act, No. 4 of 2013 (“**POPIA**”) amends PAIA in certain instances. Under POPIA the SAHRC’s functions in terms of PAIA will be transferred to the Information Regulator. The SAHRC will however still retain its constitutional obligation to promote, protect and monitor the right of access to information as rights enshrined in the Constitution of the Republic of South Africa.

#### 5. **HYPROP INVESTMENTS**

5.1 Hyprop Investments Limited is a leading specialist shopping centre Real Estate Investment Trust (“**REIT**”) listed on the JSE Limited.

5.2 The wholly owned subsidiaries of Hyprop Investments Limited are the following-

5.2.1 Hyprop Investments (Mauritius) Limited;

5.2.2 African Land Investments Limited;

5.2.3 Hyprop Foundation (NPC);

5.2.4 Hyprop Investments Employee Incentive Scheme Proprietary Limited.

#### 6. **HYPROP INVESTMENTS CONTACT DETAILS**

**CEO: Pieter Prinsloo**

Physical Address: 2<sup>nd</sup> Floor  
Cradock Heights  
21 Cradock Avenue  
Rosebank  
2196

Telephone Number: 011 447 0090

Telefax number: 011 447 0092

Postal address: P O Box 41257  
Craighall  
2024

Email: pieter@hyprop.co.za

Web Address: [www.hyprop.co.za](http://www.hyprop.co.za)

**Information Officer: Karin Eichhorn**

Designation: HR & IT Executive

Physical Address: 2<sup>nd</sup> Floor  
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## 7. **CATEGORIES OF INFORMATION**

### 7.1 **Records Held in Accordance with other Legislation**

- 7.1.1 Basic Conditions of Employment Act, 75 of 1997;
- 7.1.2 Companies Act, 71 of 2008;
- 7.1.3 Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 7.1.4 Employment Equity Act, 55 of 1998;
- 7.1.5 Income Tax Act, 58 of 1962;
- 7.1.6 Labour Relations Act, 66 of 1965;
- 7.1.7 Occupational Health and Safety Act, 85 of 1993
- 7.1.8 Skills Development Act, 63 of 1962;
- 7.1.9 Unemployment Insurance Act, 63 of 2001;
- 7.1.10 Value Added Tax Act, 89 of 1991.

### 7.2 **Information Automatically Available**

- 7.2.1 Records that are automatically available in terms of the Companies Act, No. 71 of 2008;
- 7.2.2 Records that are automatically available in terms of the listing requirements of the JSE Limited;
- 7.2.3 Any promotional material in any shopping centre owned by Hyprop Investments Limited which is available for public viewing;
- 7.2.4 All information freely available on Hyprop Investment Limited's website: [www.hyprop.co.za](http://www.hyprop.co.za).

### 7.3 Information Available on Request

The records held by Hyprop Investments are listed below. Please note that a requester is not automatically allowed access to these records and may be refused access in accordance with the provisions of PAIA.

<b>Record Category</b>	<b>Record Category Description</b>
<b>Records under the Companies Act</b>	Memorandum of Incorporation
	Minutes of Meetings of the Board of Directors
	Minutes of Meetings of Shareholders
	Records relating to the appointment of Directors, Auditors, Secretary, Public Officer and any other Officer
	Share Registers and other Statutory Registers
<b>Financial Records</b>	Annual Financial Statements
	Tax Returns
	Accounting Records
	Banking Records, Bank Statements, Electronic Banking Records
	Asset Register
	Invoices
	Rental Agreements
<b>Income Tax Records</b>	PAYE Records
	Documents issued to employees for Income Tax purposes
	Records of payments made to the South African Reserve Bank
	<b>All other Statutory Compliances:</b> -Value Added Tax -Regional Services Levies -Skills Development Levies -Unemployment Insurance Fund -Workmens' Compensation
<b>Personnel Documents and Records</b>	Employment Contracts
	Employment Equity Plan
	Disciplinary Records
	Salary Records
	SETA Records
	Disciplinary Code
	Leave Records
	Training Manuals
	Payroll Records
<b>Immovable Properties</b>	Lease Agreements
	Title Deeds
	Tenant Information
	Records in respect of Immovable Properties
<b>Intellectual Property</b>	Trade Marks

	Designs
<b>Insurance</b>	Insurance Reports
	Insurance Claim Records
	Policies
<b>Legal and Compliance</b>	Agreements
	Legal Policies
<b>Information Technology</b>	Information Technology Policies
	Disaster Recovery Plans
	Agreements with Service Providers
	Privacy Policies
<b>Marketing</b>	Marketing and Communication Strategies
	Marketing Policies

## 8. **PROCEDURE FOR REQUEST FOR ACCESS**

- 8.1 The requester must comply with all the procedural requirements of PAIA relating to the request for access to a record.
- 8.2 The requester must complete Form C and submit this form together with a request fee to the Information Officer at the postal or physical address, facsimile number or electronic mail address under paragraph 6 above.
- 8.3 The prescribed form must contain sufficient particularity in order to enable the Information Officer to identify-
- 8.3.1 The records requested;
- 8.3.2 The identity of the requester;
- 8.3.3 Which form of access is required; and
- 8.3.4 The postal address or fax number of the requester in the Republic of South Africa.
- 8.4 The requester must identify the right that the requester is seeking to protect.
- 8.5 The requester must provide an explanation as to why the requested record is required for the exercise or protection of any right.
- 8.6 If in addition to a written reply, the requester wishes to be informed of the decision in respect of the request in any other manner, the requester must state the manner in which it wishes to be informed.
- 8.7 If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- 8.8 The requester must pay the prescribed fee (if applicable) before any further processing can take place.
- 8.9 Hyprop Investments will inform the requester within 30 (thirty) days after receipt of the request of its decision whether or not to grant the request.
- 8.10 The 30 (thirty) day period may be extended with a further period of not more than 30 (thirty) days if the request is for a large number of records or requires Hyprop Investments to search through a large volume of records or the records are not kept at the offices of Hyprop Investments.
- 8.11 If the request for access is granted, the notice must state that the access fee (if any) to be paid upon access, the form in which the access will be given and that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure for lodging the application.
- 8.12 If the request for access is refused, the notice must state adequate reasons for the refusal, including the provisions of PAIA relied on and must state that the requester may lodge an application with a court against the refusal for the request, and the procedure (including the period) for lodging the application.

## **9. GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF PAIA)**

- 9.1 Subject to Section 7 and 70 of PAIA, the main grounds for Hyprop Investments to refuse a request for information as contemplated in PAIA relates to the following:
- 9.1.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
  - 9.1.2 Mandatory protection of commercial information of a third party, if the record contains:
    - 9.1.2.1 trade secrets of that third party;
    - 9.1.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
    - 9.1.2.3 information disclosed in confidence by a third party to Hyprop Investments, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
  - 9.1.3 Mandatory protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of any agreement;
  - 9.1.4 Mandatory protection of the safety of individuals and the protection of safety of property;
  - 9.1.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
  - 9.1.6 The protection of the commercial activities of Hyprop Investments, which includes-
    - 9.1.6.1 trade secrets of Hyprop Investments;
    - 9.1.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Hyprop Investments;
    - 9.1.6.3 information which if disclosed could put Hyprop Investments at a disadvantage in negotiations or commercial competition;
    - 9.1.6.4 a computer program which is owned by Hyprop Investments, and which is protected by copyright; and
  - 9.1.7 The research information of Hyprop Investments or a third party on behalf of Hyprop Investments, if the disclosure would expose the third party, Hyprop Investments or the researcher of the subject matter of the research to serious disadvantage.

## **10. REMEDIES AVAILABLE ON REFUSAL OF A REQUEST FOR INFORMATION**

- 10.1 Hyprop Investments does not have an internal appeal procedure and as such, the decision made by the Information Officer is final.
- 10.2 If your request is denied, you are entitled to apply to a court with the appropriate jurisdiction for relief.

## **11. FEES AND FORM C**

- 11.1 The prescribed fee for requests to private bodies is available on the website of the SAHRC.
- 11.2 Form C is available on the website of the SAHRC.