

Aug 2015

TO: THE PIVOTAL BOARD

PROMOTION OF ACCESS TO INFORMATION MANUAL

Promotion of Access to Information Manual (the Manual) for The Pivotal Fund Limited (Registration Number 2005/030215/06) and all its subsidiaries and related entities (the Company) as prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (the Act).

1. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (hereinafter referred to as the “Constitution”) stipulates that:

- “(1) Everyone has the right of access to –
- (a) any information held by the state; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.”

Based on the above section 32 as well as section 8, which provides for the horizontal application of the rights set out in Chapter 2 (“the Bill of rights”) of the Constitution, the Promotion of Access to Information Act, No. 2 of 2000 was promulgated in order to give effect to the above-mentioned constitutional right of access to information subject to justifiable limitations as specifically set out in section 50 of the Act.

Section 50 of the Act provides that a requester must be given access to any record of a private body if –

- “(1) that record is required for the exercise or protection of any rights;
- (2) that person complies with the procedural requirements in this Act relating to a request for access to that record; and
- (3) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.”

In addition to the above limitations, a requester also has to act in the public interest if such requester is a public body (i.e. the State) requesting information from such a private body.

According to the Act a “private body” means:

- “(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession;
- (c) any former or existing juristic person, but excludes a public body.”

2. **COMPANY OVERVIEW**

The Company is an internally managed property investment and development fund with an A-grade portfolio of completed income-producing properties and developments.

The Company’s strategic partnerships and joint ventures ensure a continued pipeline of high-quality, value-adding development opportunities that meet the Company’s investment criteria.

The company does however fall within the definition of a juristic person set out in 1 above and will therefore be deemed to be a private body for purposes of the Act. It therefore has to comply with the requirements set out in Part 3 and more specifically section 51 of the Act. This entails the compilation of a manual providing a requester

with adequate information on how to access information held by such private body in accordance with the provisions set out in the Act. According to the Act, this Manual should have been compiled within six months after the commencement of this section 51 or the coming into existence of this company. However, based on a notice in the Gazette, the Minister has postponed the time frame in which this Manual had to be compiled, up to 31 December 2011.

This document therefore serves as the Promotion of Access to Information Manual of the Company including but not limited to all its operating and none operating divisions, its subsidiaries and related entities set out above.

3. CONTACT DETAILS OF THE COMPANY

Physical Address : Abcon House, Fairway Office Park, 52 Grosvenor Road,
Bryanston, 2021
Postal Address : P O Box 67663, Bryanston, 2021
Head of Body : Jackie van Niekerk, Chief Executive Officer
Telephone Number : (011) 510 9999
E-mail : admin@pivotalfund.co.za

4. DESCRIPTION OF SECTION 10 GUIDE

A Guide has been compiled in terms of section 10 of the Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by the Act. Any queries should be directed to:

Postal Address : Private Bag 2700, Houghton, 2041
Telephone Number : (011) 484 8300
Fax Number : (011) 484 0582
Website : www.sahrc.org.za
E-mail : paia@sahrc.org.za

5. **VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**

The Company has to date not yet published any notice in terms of section 52(2) of the Act, describing categories of records which are automatically available without a person having to request such information in terms of the provisions of the Act.

Take note that if such notice is published, the only fee payable for access to such information will be the prescribed fee for the reproduction of such information requested as more fully set out in Annexure "C" attached hereto.

6. **AVAILABILITY OF RECORDS IN TERMS OF OTHER LEGISLATION**

A requester is not obliged to request access to information held by the Company in terms of the Act, should there be other legislation that provide a requester with access to such a record held by the Company. Take note that such other legislation may include, but is not limited to:

Financial related Legislation

Income Tax Act, No. 58 of 1962

Value-Added Tax Act, No. 89 of 1991

Labour related Legislation

Basic Conditions of Employment Act, No. 3 of 1983

Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Skills Development Levies Act, No. 9 of 1999

Employment Equity Act, No. 55 of 1998

Unemployment Insurance Act, No. 63 of 2001

Unemployment Insurance Contributions Act, No. 4 of 2002

Pension Fund Act, No. 24 of 1956

Medical Schemes Act, No. 131 of 1998

Labour Relations Act, No 66 of 1995

Broad Based Black Economic Empowerment Act, No. 53 of 2003

Company related Legislation

Companies Act, No. 71 of 2008

JSE Listings Requirements

Trade Marks Act, No. 194 of 1993

Safety, Health and Environmental related Legislation

Occupational Health and Safety Act, No. 85 of 1973

The Hazardous Substance Act, No. 15 of 1973

Environment Conservation Act, No. 73 of 1989

General

Plant Pests and Diseases Regulation, 1958

Genetically Modified Organisms Act, 15 of 1997

Cereal Products Agricultural Product Standards Act, 119 of 1990

Customs and Excise Act 91 of 1964

7. HOW TO FACILITATE A REQUEST FOR ACCESS TO INFORMATION

7.1 Introduction

Access to information held by the Company is not automatically available and can be refused by the Company on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act.

In order to request access to information held by the Company, the person requesting access to such information (hereinafter referred to as the “requester”) must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the Act. Should the person requesting access to the information be a public body (i.e. state), such person must identify that it is requesting such information in the public’s interest by stipulating adequate reasons.

7.2 Procedural Requirements

- In order to facilitate such a request for access to information, the requester need to complete the prescribed access form attached hereto as Annexure “A”. Please note that the prescribed access form must be completed in full of which failure to do so may result in the process being delayed until such additional information is provided.
- Proof of identity is required to authenticate the request and the requester. Therefore in addition to the prescribed access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- A request will not be processed until the request fee of R50 (fifty Rand) and a deposit of the access fee (if applicable) have been paid. The request fee is an administration fee that must be paid before the request is considered and is not refundable. However, a requester requesting information containing personal information about the requester is excluded from paying the request fee.
- The access fee, as set out in Annexure “B” attached hereto, is intended to reimburse the Company for the costs involved in searching and preparing the record requested for delivery and is payable once access to the record requested is granted. Should this request for access to information be about a person other than the requester himself/herself and the Company is of the opinion that the preparation of the required record will take more than six hours, a deposit (which is 1/3) of the access fee is payable before the request will be processed by the Company.
- A reproduction fee, as set out in Annexure “C” attached hereto, is payable by the requester, in case of the reproduction of a record requested, notwithstanding the fact that it is automatically available.

7.3 Notification

Requestors will be informed within 30 days of the Company's decision to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the Act. Take note that the 30 day period may be extended for a further 30 day period should more time be required to gather the requested information. The requester will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8. CATEGORIES OF RECORDS HELD BY THE COMPANY

8.1 Operational Information

Such information is required for the day to day running of the Company and include, but is not limited to company policies, employee records, permits, licenses, authorisations, approvals and general "housekeeping" information.

8.2 Communications

This includes correspondence between persons within and without the Company.

9. AVAILABILITY OF MANUAL

The Manual is available for inspection, free of charge, at the offices of the Company as set out in 2 above as well as the Company's website at www.pivotalfund.co.za.

FORM C

Request for access to record of private body
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))
[Regulation 10]

A Particulars of private body

The Head:

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:

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:

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:
<hr/>	
<hr/>	
<hr/>	

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 to 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:	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
<hr/>	

2 If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images		Copy 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)

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

ACCESS FEE PAYABLE (IF APPLICABLE)

	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
Diskette	7.50
Compact disc	70.00
A transcription of visual images, for and A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
To search a record that must be disclosed, per hour or part of the hour	30.00
Where a copy of the record needs to be posted the actual postal fee is payable	

REPRODUCTION FEE (IF APPLICABLE)

	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
Diskette	7.50
Compact disc	70.00
A transcription of visual images, for and A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
