

GUMTREE SOUTH AFRICA (PTY) LTD

(Registration Number: 2013/136737/10)

("GUMTREE")

**PAIA MANUAL IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO. 2 OF 2000 ("THE ACT")**

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1. INTRODUCTION

Gumtree South Africa (Pty) Ltd (“**Gumtree**”) is a private company duly registered in terms of the laws of the Republic of South Africa. The platform www.gumtree.co.za is a classified marketplace site owned and operated by Gumtree, which allows users to post and respond to classified ads on a wide variety of items.

2. CONTACT DETAILS

COMPANY DETAILS:	
Name of Company:	Gumtree South Africa (Pty) Ltd
Head of Body:	
Street Address:	11th Floor, Roggebaai Place, 4 Jetty Street, Foreshore, Cape Town, 8001
Postal Address:	11th Floor, Roggebaai Place, 4 Jetty Street, Foreshore, Cape Town, 8001
Telephone Number:	+27 21 527 0028
E-mail:	privacy@gumtree.co.za
Website:	http://gumtree.co.za
INFORMATION OFFICER DETAILS:	
Name:	Russell Stather
Telephone Number:	+27 21 527 0028
E-mail:	privacy@gumtree.co.za

3. AVAILABILITY AND PURPOSE OF THIS PAIA MANUAL

This PAIA Manual is published on Gumtree’s website or alternatively, a copy may be requested from Gumtree’s Information Officer or the Legal and Compliance department, which copy may also be inspected at Gumtree’s physical address set forth in paragraph 2 above.

The primary purpose of this PAIA Manual is to facilitate requests for access to information held by Gumtree or its subsidiaries, which requests shall be made in accordance with the prescribed procedures and at the prescribed rates provided for in paragraphs 8 and 9 of this PAIA Manual.

In addition to the above, the further purposes of this PAIA Manual are to describe the records held by Gumtree and to clearly articulate the grounds upon which access to any such records may be refused.

4. THE ACT AND SECTION 10 GUIDE

The Act grants a requester access to records of a private body, subject to the record being necessary for the exercise or protection of any right(s). Should a public body lodge a request for access to records, the public body must be acting in the public’s interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures and at the prescribed rates provided. The forms and rates are dealt with in paragraphs 8 and 9 of this Manual.

Requesters are referred to the Guide on how to use the Act, which guide can be found in Chapter 3 and Section 10 of Act. The said Guide has been amended and updated in an easily comprehensible form and

manner by the Regulator in order to assist the Requester to use the Act.

The Guide can also be obtained:

- Upon request to Gumtree’s Information Officer by completing FORM 1: REQUEST FOR A COPY OF THE GUIDE, which form can be downloaded from the website of the Information Regulator here: <https://inforegulator.org.za/training/wp/paia-forms/>

A copy of the Guide is also available at the office of the Information Regulator in the following official languages, English/isiZulu/Sesotho, for public inspection during normal office hours.

5. APPLICABLE LEGISLATION

Gumtree keeps information/documents in accordance with the following legislation (please note that this is not an exhaustive list):

Number	Act	Reference
1.	Companies Act	No 71 of 2008
2.	Employment Equity Act	No 55 of 1998
3.	Income Tax Act	No 58 of 1962
4.	Labour Relations Act	No 66 of 1995
5.	Value Added Tax Act	No 89 of 1991
6.	Basic Conditions of Employment Act	No 75 of 1997
7.	Non-profit Organisations Act	No 71 of 1997
8.	Promotion of Access of Information Act	No 2 of 2000
9.	Unemployment Insurance Act	No 63 of 2001
10.	Unemployment Contributions Act	No 4 of 2002
11.	Compensation for Occupational Injuries and Health Diseases Act	No 130 of 1993
12.	Electronic Communications and Transactions Act	No 25 of 2002
13.	Occupational Health and Safety Act	No 85 of 1993
14.	Skills Development Act	No 97 of 1998
15.	Skills Development Levies Act	No 9 of 1999

6. SCHEDULE OF RECORDS

A formal request for access to the following records must be made to Gumtree's Information Officer as these records are not generally available (please note that this is not an exhaustive list):

- Company Secretarial:
 - Company Memorandum of Incorporation/Registers/Statutory returns
- Movable and Immovable Property:
 - Title Deeds
 - Lease Agreements
 - Hire Agreements/Rental Agreements
- Intellectual Property:
 - Trademarks
 - Patents
- Insurance:
 - Insurance Policies/Claims Files
- Third Parties:
 - Records held by Gumtree relating to other parties, including financial records, correspondence, contractual records, records provided by other parties and records third parties have provided about Gumtree's contractors and suppliers in respect of contractors, suppliers, subsidiary or fellow subsidiary companies, joint venture partners and service providers.
- Human Resources:
 - Policies and Procedures
 - Employee Information
 - Personnel Files
 - Conditions of Employment
 - Training Schedule and Related Material
- Finance:
 - Financial Statements
 - Reports and Returns
 - Banking Details and Bank Account Records
 - Debtors/creditors Statements and Invoices

The following records and information are generally available on request without having to formally request access thereto in terms of the Act:

- brochures;

- press releases;
- publication; and
- various other marketing and promotional material.

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Upon receipt of a formal request for access to records, Gumtree will be required to consider such a request in light of the provisions of Section 50 of the Act. Subject to such consideration, Gumtree will be required to either grant or refuse such a request. Should Gumtree refuse access to a particular record, such refusal will be subject to Gumtree’s interpretation of the various prescribed grounds for refusal as set forth in Chapter 4 of the Act as tabled below:

Ground(s) for Refusal	Description and Explanation of Ground(s) for Refusal
Mandatory protection of privacy of third party who is a natural person [Section 63 of the Act]	Gumtree may refuse access to a record if the disclosure of that record would involve the unreasonable disclosure of personal information relating to a third party, including a deceased individual.
Mandatory protection of commercial information of third party [Section 64 of the Act]	Gumtree may refuse a request for access to a record if the record comprises of, or is constituted by the following information relating to a third party – <ul style="list-style-type: none"> • Trade secrets of a third party; • Financial, commercial, scientific or technical information, other than trade secrets, of a third party, which, if disclosed, is likely to cause harm to the commercial or financial interests of the third party; • Information which has been supplied in confidentiality by a third party, the disclosure of which could reasonably be expected to place the third party at a disadvantage in contractual or other negotiations or is likely to prejudice the third party in commercial competition.
Mandatory protection of certain confidential information of a third party [Section 65 of the Act]	Gumtree may refuse access to a record which, if disclosed, would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement or contractual relationship.
Mandatory protection of safety of individuals and protection of property [Section 66 of the Act]	Gumtree may refuse a request for access to a record if its disclosure could reasonably be expected to endanger the life or physical safety of an individual, or if its disclosure would be likely to prejudice or impair the security of: <ul style="list-style-type: none"> • a building, structure or system, including but not limited to a computer or communication system, a means of transport or any other property; • method(s), system(s), plans or procedures for the protection of an individual in accordance with a witness protection scheme, the

	safety of the public, or any part of the public or the security of property.
Mandatory protection of records privileged from production in legal proceedings [Section 67 of the Act]	Gumtree may refuse a request for access to a record if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.
Commercial information of Private Body [Section 68 of the Act]	Gumtree may refuse a request for access to a record if the record contains (or comprises of): <ul style="list-style-type: none"> • Trade secrets of the Private Body; • Financial, commercial, scientific or technical information, other than trade secrets of the Private Body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Private Body; • Information, the disclosure of which could reasonably be expected to put the Private Body at a disadvantage in contractual or other negotiations or prejudice the Private Body in commercial competition; • A computer programme (as defined in section 1(1) of the Copyright Act 98 of 1978 as amended) owned by the Private Body, except insofar as it is required to give access to a record to which access is granted in terms of the Act.
Mandatory protection of research information of third party, and protection of research information of private body [Section 69 of the Act]	Gumtree may refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party/private body, the disclosure of which would be likely to expose the third party/private body, a person that is (or will be) carrying out the research on behalf of the third party/private body, or the subject matter of the research to serious disadvantage.
Records that cannot be found or do not exist [Section 23 of the Act]	Should there be reasonable grounds to believe that the requested record cannot be found or does not exist, then and in such event, Gumtree will inform the requester in the form of an affidavit that it is not possible to give access to such record.

8. FORM OF REQUEST

To facilitate the processing of your request, kindly:

- Use the prescribed Form 2, as provided for in [Annexure A](#);
- Address your request to the Information officer;
- Provide sufficient details to enable Gumtree to identify:

- The record(s) requested.
- The requester (and if an agent is lodging the request, proof of capacity and necessary Power of Attorney).
- The form of access required.
- The postal address or e-mail address of the requester in (which postal address must be situated within the Republic of South Africa).
- If the requester wishes to be informed of the decision in any other manner in addition in addition to written confirmation, the manner and particulars of such manner.
- 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 such right.
- The Information Officer will respond to a request in the format of Form 3, as listed in Annexure B. The said Form is used to report the outcome of a request as well as information regarding the required fees payable, if applicable.

9. PRESCRIBED FEES

The following prescribed fees will apply to requests for information (other than personal requests):

- A requestor is required to pay the prescribed fee of R50.00 before a request will be processed.
- If the preparation of the record requested requires more than the prescribed 6 (six) hours 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 above prescribed fees have been paid.

10. REMEDIES AVAILABLE WHEN A REQUEST IS DENIED

10.1 Internal Remedies

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final.

If a request is denied and the requester is dissatisfied with the Information Officer's decision, the requestor will be required to exercise such external remedies at their disposal if a request for information is refused.

10.2 External remedies

In terms of Section 77A of the Act, if a request is denied by the head of a private body, the requester is entitled to lodge a complaint with the Information Regulator within 180 days of the decision, in the prescribed manner and form for appropriate relief.

A requester is further entitled in terms of Section 78(2)(d) of the Act to apply to a court with appropriate jurisdiction within 30 (thirty) days for appropriate relief.

10.3 Time Afforded to the Gumtree

Gumtree is required to, within 30 (thirty) days of receipt of a request, decide whether to grant or decline the request and, if required, provide the requester with reasons to that effect.

The 30 (thirty) day period stipulated in above, may be extended for a further period of not more than 30 (thirty) days if the request is for a large amount of information, or the request requires an extensive search for information which cannot reasonably be obtained within the originally stipulated 30 (thirty) day period.

In circumstances contemplated above, Gumtree will notify the requester in writing should an extension be sought.

ANNEXURE A

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If the request is made on behalf of another person, proof of such authorisation (Power of Attorney), must be attached to this form.

TO: The Information Officer

Information Officer:
Address:
Email:
Telephone Number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made <i>(when made on behalf of another person)</i>	
Postal Address	
Street Address	
E-mail Address	
Contact Numbers	Tel: <input style="width: 80%;" type="text"/>
	Facsimile: <input style="width: 80%;" type="text"/>
	Cellular: <input style="width: 80%;" type="text"/>
Full names of person on whose behalf request is made <i>(if applicable)</i>	
Identity Number	
Postal Address	
Street Address	
E-mail Address	
Contact Numbers	Tel: <input style="width: 80%;" type="text"/>
	Facsimile: <input style="width: 80%;" type="text"/>
	Cellular: <input style="width: 80%;" type="text"/>
PARTICULARS OF RECORD REQUESTED	
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>	
Description of record or relevant part of the record	

Reference number, if available	
Any further particulars of record	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	
MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	
FEES	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>c) <i>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.</i></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal Address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20____.

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE ONLY

<i>Reference number</i>	
<i>Request received by: (State rank, Name and Surname of Information Officer)</i>	
<i>Date received</i>	
<i>Access fees</i>	
<i>Deposit (if any)</i>	

Signature of Information Officer

ANNEXURE B

**FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]**

Note:

1. If your request is granted the—
 (a) amount of the deposit, (if any), is payable before your request is processed; and
 (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference Number: _____

TO: _____

Your request dated _____ refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	

Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	
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Kindly note that your request has been:

Approved

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
i) Flash drive	R40.00		
• To be provided by requestor			
ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record:			
iii) Flash drive	R40.00		
• To be provided by requestor			
iv) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual Costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search		Amount of deposit <i>(calculated on one third of total amount per request)</i>	
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The amount must be paid into the following Bank account:

Name of Bank:

Name of account holder:

Type of account:

Account number:

Branch Code:

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20____.

Signature of Information Officer