



**TUHF HOLDINGS LIMITED**  
**2007/024010/06**

**SECTION 51 INFORMATION MANUAL**

**In terms of the**

**PROMOTION OF ACCESS TO INFORMATION**  
**ACT 2 of 2000**

**DATE:** 14 DECEMBER 2011  
**UPDATED:** 15 MAY 2020  
**COMPILED BY:** ILONA ROODT (Chief Financial Officer)

## INDEX

<b>Introduction</b>	<b>3</b>
<b>Company overview</b>	<b>4</b>
<b>Request for Information</b>	<b>5</b>
<b>Group Information Officer</b>	<b>5</b>
<b>Legislation</b>	<b>6</b>
<b>Records held by TUHF</b>	<b>6</b>
<b>Steps to consider before submitting a request</b>	<b>8</b>
<b>How to submit Request for Access</b>	<b>9</b>
<b>Considering the response</b>	<b>10</b>
<b>Requester Remedies</b>	<b>11</b>

## ANNEXURES LIST

<b>Annexure 1</b>	<b>TUHF Group Companies</b>
<b>Annexure 2</b>	<b>TUHF Branches Details</b>
<b>Annexure 3</b>	<b>Information Request Form – Form C</b>
<b>Annexure 4</b>	<b>Prescribed Fees</b>

## 1. INTRODUCTION

This information manual is in respect of TUHF Holdings and all Group of companies within the Group including all wholly or partially owned subsidiaries and associated juristic persons, hereinafter referred to as “TUHF”. Refer to Annexure 1 of this manual for a complete list of the companies that are covered by the TUHF information manual (“Manual”).

The manual provides an outline of the types of records held by TUHF and explains how someone may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (PAIA). This legislation gives effect to everyone’s constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requester’s rights. A guide to PAIA is available from the South African Human Rights Commission (“SAHRC”) website: [www.sahrc.org.za](http://www.sahrc.org.za). It describes, in each of official language:

- What the objective of this Act are;
- The details of each private body (where possible);
- The process that needs to be followed in order to make a request;
- How to get copies of the Guide at no charge;
- How to get access to the manual of a private body; and
- The remedies available in law to the requester.

Queries can be directed to the SAHRC at:

### **The South African Human Rights Commission: PAIA Unit**

The Research and Documentation Department

**Postal address:**

Private Bag 2700  
Houghton 2041

**Tel:** +27 11 887-3803

**Fax:** +27 11 403-0625

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

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

PAIA creates the framework to the right to access information enshrined in section 32 of the Constitution of the Republic of South Africa, Act 108 of 1996. The purpose of this legislation is to promote a culture of transparency, accountability and good governance both in the private and public sectors. Therefore, it places specific compliance requirements on both state institutions and private sector.

PAIA gives a requester the right to lodge a request with the information officer (head) of a private body. A private body as defined includes juristic bodies. The head of a private body is “the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that office...”

The legislation defines private juristic entities as:

- A natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- A partnership which carries or has carried on any trade, business or profession; or
- Any former or existing juristic person, but excludes a public body.

Juristic persons will therefore include close corporations, non-profit organizations and trusts. In terms of section 51 of PAIA, the head of a private body must:

- Compile a [section 51 manual](#) which is a roadmap of the company;
- Submit the manual to the South African Human Rights Commission - Electronic submissions of the manual to the Commission are accepted (sent to [dmalesa@sahrc.org.za](mailto:dmalesa@sahrc.org.za)) and they are thereafter followed by hard copy originals;
- Effect material changes if any each time these occur and resubmit the manual to the SAHRC;
- Make the manual available as prescribed at the company offices and on the website; and
- Annex a request form to the manual and also make request forms available on the website and at the company premises access points.

## **2. COMPANY OVERVIEW**

TUHF is a niche financier of inner city properties. The Group operates nationally with its Head Office located in Braamfontein in Johannesburg and has branches located in Pretoria, Durban, Port Elizabeth, Cape Town and Bloemfontein. TUHF has been in operation since 2003 and was established as a National Urban Regeneration Fund. The company primarily extends funding to owners and prospective owners of inner city properties for the provision of affordable residential rental accommodation.

### **2.1. Products**

- Mortgage and construction finance
- Equity release
- Bridging finance
- Equity products
- Co-operatives and higher risk investments

### **2.2. Group Management & Staff**

TUHF employs skilled professional staff that have specialized knowledge of inner city areas of:

- Commercial property finance & financial services
- Inner city property markets
- Construction & property management
- Housing policy & development

TUHF systems & support staff enable the company to execute transactions efficiently and effectively:

- Custom made systems (Accpac CRM)
- Customized workflow for the loan cycle management system
- Integrated document management
- Integrated loan documentation
- Tailor made solutions
- Security register

TUHF financial and IT support staff enable the company to provide superior financial management, administration and reporting:

- Integrated systems & reporting (Accpac ERP)
- Real time data administration
- Advanced reporting capability

### **3. REQUESTS FOR INFORMATION**

The requester may submit their request for information records to the Group Information Officer as provided for in part 4 below. It is recommended that the requester read this manual first, in particular paragraphs 6 through 9, before submitting any requests.

### **4. GROUP INFORMATION OFFICER**

#### **4.1. Contact Details**

Group Information Officer  
P O Box 30872  
Braamfontein  
Johannesburg 2017.

Tel: +27 10 959 9000

Email: [info@tuhf.co.za](mailto:info@tuhf.co.za)

#### **4.2. Persons designated/duly authorised persons:**

**Group Information Officer:** Mr. Paul Jackson (Chief Executive Officer)  
Tel: 010 595-9010  
Email: paulj@tuhf.co.za

**Deputy Information officer:** Ms Ilona Roodt (Chief Financial Officer)  
Group Information Officer  
Tel: 010 595-9005  
Email:ilonar@tuhf.co.za

**Street Address:** 12<sup>th</sup> Floor, Libridge Building, West Wing  
25 Ameshoff Street  
Braamfontein

Further details of the TUHF Branches are attached herein marked as Annexure 2.

## **5. LEGISLATION**

Records available in terms of other legislation are as follows:

- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- National Credit Act 34 of 2005
- Consumer Protection Act 68 of 2008
- The Prevention or Organised Crime Act, 121 of 1998 (POCA);
- The Financial Intelligence Centre Act, 38 of 2001 (FICA);
- The Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 33 of 2004 (POCDATARA); and
- The Prevention and Combating of Corrupt Activities Act, 12 of 2004 (PRECCA).
- Promotion of Access to Information Act 2 of 2000

## **6. RECORDS HELD BY TUHF**

### **6.1. Companies Act Records**

- Documents of Incorporation (certified copies):
- Memorandum and Articles of Association (certified copies):
- Minutes of Board of Directors meetings:
- Records relating to the appointment of directors/auditor/secretary/public officer and other officers (certified copies): and
- Share Register and Other statutory registers (copy of share register).

### **6.2. Financial Records**

- Annual Financial Statements:
- Tax returns:
- Accounting records:
- Banking records:
- Bank statements:
- Paid cheques:
- Electronic banking records:

- Fixed asset register;
- Lease agreements; and
- Invoices.

### **6.3. Statutory compliance Documents:**

- VAT; and
- Income tax.

### **6.4. Personnel Documents and Records**

- Income tax records.

### **6.5. Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, departments, service providers. Alternatively, such other parties may possess records which can be said to belong to TUHF. The following records fall under this category:

- Employee, work or service related records which are held by another party as opposed to being held by TUHF; and
- Records held by TUHF pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

### **6.6. Publicly available records**

The following TUHF documents are already publicly available without a request for access in terms of PAIA being necessary are:

- TUHF Group Annual Financial statements.

## **7. STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST**

The following steps are to be considered by the requester before submitting a request

### **Step 1: Is the requester requesting the requester own information?**

All TUHF clients are allowed access to their own information without having to use the request for access to information procedures as set out in the Promotion of Access to Information Act, including, but not limited to:

- Policy documents;
- Loan account information; and
- Personal Records.

### **Step 2: Is the requester entitled to use PAIA to request access?**

Section 7(1) of PAIA states:

“This Act does not apply to a record of a public body or a private body if:

- that record is requested for the purpose of criminal or civil proceedings;

- so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.”

If section 7(1) of PAIA applies, the requester may not bring a request in terms of this Act. The requester must use the rules and procedures for discovery of information of the relevant legal forum and proceedings the requester is involved in. TUHF reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

**Step 3: Does the information requested exist in the form of a record?**

PAIA applies to records that are in existence at the time the request is received by TUHF. It does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, PAIA cannot be used to obtain reasons for a decision taken by TUHF if such reasons are not in the form of a record.

**Step 4: Is the record in the possession or under the control of TUHF?**

PAIA provides that the record requested must be in our possession or under the control of TUHF. Therefore, even if a record was created by TUHF or at some point was in TUHF’s possession (but is no longer in TUHF’s control at the time of the request), the requester must seek access to the record from the party under whose possession or control it is.

**8. HOW TO SUBMIT REQUEST FOR ACCESS**

The requester has to consider the abovementioned steps before submitting a request for information. Once satisfied that none of the foregoing prohibitions apply, the requester may then proceed to submit a request as follows:

**8.1. Request form**

The requester must complete the form in Annexure 3 of this Manual and submit this form together with a request fee, to the Group Information Officer of responsible for handling information requests. This should be submitted using the postal address, or electronic email address set out in part 4.1 above. In the Request Form there is need to provide sufficient information to enable TUHF to adequately identify to process the request. Please:

- Provide sufficient particulars to enable TUHF to identify the record/s requested and to identify the requester;
- Indicate which form of access is required, if the request is granted;
- Specify a postal address or fax number or email address of the requester;
- Identify the right that the requester is seeking to exercise or protect; and
- Provide an explanation of why the requested record is required for the exercise or protection of that right.



If in addition to a written reply, the requester wishes to be informed of the decision on the request in any manner, to state that manner and the necessary particulars in this regard.

### **8.2. Description of the right**

Take care to adequately describe the right which the requester is seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated. It is important to note that TUHF may refuse the requester access to the records requested if the right is not clearly defined or where the right the requester claims to seek to exercise or protect does not qualify as a right as contemplated in PAIA.

### **8.3. Representatives**

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of TUHF.

### **8.4. Illiteracy or disability**

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

### **8.5. Prescribed fees**

- The prescribed fees, where applicable, must be paid and proof of payment (e.g. copy of deposit slip) submitted following the request;
- The requester will be notified where the Information Officer requires a deposit (calculated from the access fee);
- The requester must submit proof of payment before the request can be processed; and
- If the requester qualifies for exemption of the payment of any fee, please state the reason for exemption.

PAIA provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

A requester, other than a personal requester, must pay fee of R50 for requesting records from TUHF.

Requesters are required to pay fees for accessing records in respect of the search required and the preparing of and reproduction of documents. A breakdown of prescribed fees is included in Annexure 4 of this document.

TUHF may withhold a record until the requester has paid the prescribed fees.

A requester whose request has been granted must pay the applicable access fee for reproduction and for 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 request form. A refund of the deposit may be granted if the request for access is refused.

## **9. CONSIDERING THE REQUEST**

TUHF will have deemed to have received the requester's request when all of the requirements in respect of PAIA have been met. Subject to the provisions of PAIA, in respect of extension of time periods, TUHF will process the request within 30 days, unless the requester has stated special reasons which would satisfy TUHF that circumstances dictate that the above time periods not be complied with.

The requester will be informed in writing whether access has been granted or denied. The main grounds for TUHF to refuse a request for information relate to the:

- 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;
- Mandatory protection of the commercial information of a third party, if the record contains:
  - trade secrets of that third party;
  - financial, commercial, scientific 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 TUHF, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of TUHF, which may include:
  - trade secrets;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of TUHF; and
  - information which, if disclosed could put TUHF at a disadvantage in negotiations or commercial competition;
- A computer program which is owned by TUHF, and which is protected by copyright; and

- The research information of TUHF or a third party, if its disclosure would disclose the identity of TUHF, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

**10. REQUESTER REMEDIES**

TUHF does not have internal appeal procedures. As such, the decision made by TUHF is final. If the requester's request is denied, the requester is entitled to apply to a court with appropriate jurisdiction for relief.

## **ANNEXURE 1 – TUHF GROUP OF COMPANIES**

The TUHF Group of companies consists of the TUHF21 NPC Group and the TUHF Holdings Group.

The following companies are the fall under the TUHF Holdings;

<b>Company</b>	<b>Hereinafter referred to as</b>	<b>Company number</b>	<b>registration</b>
TUHF Holdings Limited	TUHF Holdings	2007/024010/06	
TUHF Limited	TUHF Ltd	2007/025898/06	
TUHF Bridge (Pty) Ltd	TUHF Bridge	2006/014097/07	
TUHF Equity (Pty) Ltd	TUHF Equity	2018/057229/07	

The following companies are the fall under the TUHF21 NPC Group;

<b>Company</b>	<b>Hereinafter referred to as</b>	<b>Company number</b>	<b>registration</b>
TUHF21 NPC	TUHF21	1993/000217/08	
TUHF Properties (Pty) Limited	TUHF Properties	2003/021683/07	
Intuthuko Equity Fund (Pty) Limited	Intuthuko	2004/034588/07	
Umastandi (Pty) Limited	UMaStandi	2015/382331/07	

The following associates are covered by the TUHF information manual;

<b>Company</b>	<b>Hereinafter referred to as</b>	<b>Company number</b>	<b>registration</b>
TUHF Urban Finance (RF) Limited	TUHF Urban Finance	2018/563485/06	

## **ANNEXURE 2**

### **BRANCH ADDRESSES AND CONTACT DETAILS**

#### **Pretoria**

805 & 806 Olivetti House

8<sup>th</sup> Floor

100 Pretotius Street

Pretoria

#### **Durban**

Physical Address:

Embassy Building, 199 Anton Lembede Building, (ex Smith Street), Durban

#### **Port Elizabeth**

Physical Address:

BCX Building, 2nd Floor, 106 Park Drive, St Georges Park, Port Elizabeth

#### **Cape Town**

Physical Address:

Unit B4, 97 Durham St, Cecil Rd, Salt River, Cape Town

#### **Bloemfontein**

Physical Address:

Unit 1, 17 Barnes Street, Westdene, Bloemfontein

**ANNEXURE 3 – FORM C**

**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:

**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 <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images		copy of the images"	transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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:
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



#### ANNEXURE 4 – FEES IN RESPECT OF PRIVATE BODIES

<b>Reproduction of documents</b>	<b>Fees (R)</b>
For a copy of the manual as contemplated in regulation 9(2)(c) – for every photocopy of an A4-size page or part thereof	1,10
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 or machine-readable form	0,75
For a copy in computer-readable form on – Stiffy disc	0,75
Compact disc	70,00
For a transcription of visual images, or an A4-size page or part thereof	40,00
For a copy of visual images	60,00
For 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
<b>Access to records</b>	<b>Fees (R)</b>
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 or machine-readable form	0,75
To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	30.00
The actual postage is payable when a copy of a record must be posted to a requester.	

For purposes of section 54 (2) of the Act, the following applies:

Where the request for access will require more than the prescribed time, the requester will be advised by notice to pay a deposit relating to the prescribed portion of the fee.