

RICS International Limited  
(Incorporated in London, England)  
(Registration No. 2004/023356/10)

## PAIA manual

Prepared in terms of section 51 of the  
Promotion of Access to Information Act 2 of  
2000 (as amended)

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# 1 List of acronyms and abbreviations

1.1	<b>CEO</b>	Chief Executive Officer
1.2	<b>DIO</b>	Deputy Information Officer
1.3	<b>IO</b>	Information Officer
1.4	<b>Minister</b>	Minister of Justice and Correctional Services
1.5	<b>PAIA</b>	Promotion of Access to Information Act No. 2 of 2000 (as Amended)
1.6	<b>POPIA</b>	Protection of Personal Information Act No.4 of 2013
1.7	<b>Regulator</b>	Information Regulator
1.8	<b>Republic</b>	Republic of South Africa

## 2 Purpose of PAIA manual

This PAIA Manual:

- 2.1 applies to RICS International Limited (Incorporated in London, England), Registration No. 2004/023356/10 and its affiliates, subsidiaries hereinafter referred to as the RICS Group Companies (the “RICS Group”) or individually as RICS International Limited and RICS (incorporated by Royal Charter in the UK). The RICS Group includes the entity RICS Charter Body
- 2.2 is available at the RICS Group premises situated at 8 Palmer Road, Kloof, Durban, Kwa-Zulu Natal, 3610, South Africa and is also available on the RICS Group as well as affiliate, subsidiary websites
- 2.3 is published in terms of section 51 of PAIA and gives effect to the provisions of section 32 of the Constitution, which provides for the right of access to information held by another person and that is required for the exercise and / or protection of any rights
- 2.4 with reference to any information, in addition to that specifically required in terms of section 51 of PAIA, does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of PAIA
- 2.5 with reference to any information, in addition to that specifically required in terms of section 51 of PAIA, does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of PAIA
- 2.6 is for RICS Group, a globally recognised professional body which promotes and enforces the highest professional qualifications and standards in the development

and management of land, real estate, construction and infrastructure, and a private body within the meaning of the definitions of PAIA.

2.7 RICS International Limited is a third party operating within the United Kingdom being a foreign country as referred to in section 72 of POPIA and receives personal information about employees, members and potential members, in South Africa. RICS International Limited is itself subject to the GDPR which is a law that provides an adequate level of protection that:

- effectively upholds principles for reasonable processing of such information
- the GDPR contain provisions that are substantially similar to POPIA on transferring personal information outside of South Africa and
- specific to POPIA that the subject is required to consent to that transfer of information.

2.8 RICS International Limited is complying with POPIA in terms of this manual but also is ensuring compliance with the GDPR.

2.9 Where any transfer or sharing of data takes place with RICS Charter body, and with it acting as a data processor for RICS Charter body, this manual is also agreed to and accepted by RICS Charter body and the subject agrees to such transfer and processing.

This PAIA Manual is useful for the public to:

2.10 check the categories of records held by a body and which records are available without a person having to submit a formal PAIA request

- 2.11 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject
- 2.12 know the description of the records of the body which are available in accordance with any other legislation
- 2.13 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access
- 2.14 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it
- 2.15 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto
- 2.16 know the description of the categories of data subjects and of the information or categories of information relating thereto
- 2.17 know the recipients or categories of recipients to whom the personal information may be supplied
- 2.18 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied and thus enabling the party whose information is being supplied or shared to exercise his or her rights to privacy under PAIA, and

2.19 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## 3 Key contact details for access to information of RICS group

### 3.1 Chief Information Officer

Name: Richard Collins  
Tel: +44 7966450610  
Email: rcollins@rics.org  
Fax number: Not applicable

### 3.2 Deputy Information Officer

Name: Thavanesan Chetty  
Tel: +27 (0)31 764 4645  
Email: tcchetty@rics.org

### 3.3 Access to information general contacts

Email: [privacy@rics.org](mailto:privacy@rics.org)

### 3.4 National or Head Office

Postal Address: 12 Great George Street, London SW1P 3AD

Physical Address: 12 Great George Street, London SW1P 3AD

Telephone: +44 7966450610

Email: [privacy@rics.org](mailto:privacy@rics.org)

Website: [www.rics.org](http://www.rics.org)

## 4 Guide on how to use PAIA and how to obtain access to the guide

4.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide <sup>1</sup> on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2 The Guide is available in each of the official languages and in braille.

4.3 The aforesaid Guide contains the description of:

4.3.1 the objects of PAIA and POPIA:

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<sup>1</sup> Refer to 4.5.2 below.



- 4.3.2 the postal and street address, phone and, if available, electronic mail address of:
  - 4.3.2.1 every Deputy Information Officer of every private body designated in terms of section 56 of POPIA<sup>2</sup>.
- 4.3.3 the manner and form of a request for:
  - 4.3.3.1 access to a record of a private body contemplated in section 50 of PAIA<sup>3</sup>.
- 4.3.4 the assistance available from the Regulator in terms of PAIA and POPIA
- 4.3.5 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
  - 4.3.5.1 an internal appeal
  - 4.3.5.2 a complaint to the Regulator and
  - 4.3.5.3 a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body.

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<sup>2</sup> Section 56(a) of POPIA- Each private body must make provision, in the manner prescribed the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

<sup>3</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 4.3.6 the provisions of section 51<sup>4</sup> of PAIA requiring a private body to compile a manual, and how to obtain access to a manual
  - 4.3.7 the provisions of section 52<sup>5</sup> of PAIA providing for the voluntary disclosure of categories of records by a private body, respectively
  - 4.3.8 the notice issued in terms of section 54<sup>6</sup> of PAIA regarding fees to be paid in relation to requests for access, and
  - 4.3.9 the regulations made in terms of section 92<sup>7</sup> of PAIA.
- 4.4 Members of the public can inspect or make copies of the Guide from the offices of private bodies, including the office of the Regulator, during normal working hours.
- 4.5 The Guide can also be obtained:
- 4.5.1 upon request to the Information Officer
  - 4.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

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<sup>4</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>5</sup> Section 52(1) of PAIA – The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.

<sup>6</sup> Section 54(1) of PAIA – The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>7</sup> Section 92(1) of PAIA provides that – “The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours:

4.6.1 English and Afrikaans

## 5 Categories of records of RICS group that are available without a person having to request access

5.1 RICS Group has not published a notice in terms of section 52(2) of PAIA, however, it should be noted that the information relating to RICS Group and its services is freely available on the [www.rics.org](http://www.rics.org) website. Certain other information relating to RICS Group is also made available on such website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time. It should be noted that freely available on the [www.rics.org](http://www.rics.org) website can be found information:

Category of records	Types of the record	Available on website	Available upon request
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N/A	N/A		

## 6 Description of the records of RICS Group that are available in accordance with any other legislation

Category of records	Applicable legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA manual	Promotion of Access to Information Act 2 of 2000 (as amended)
Intellectual Property Information	Copyright Act 61 of 1978; Trade Marks Act 194 of 1993
Tax records – company and personal Employer/employee regulatory obligations in respect of PAYE, COIDA and UIF	Income Tax Act 58 of 1962 Insolvency Act 24 of 1936
Employee records	Labour Relations Act 66 of 1995
Customer/member records	The National Credit Act 34 of 2005

	Quantity Surveying Profession Act No. 49 of 2000 [including the Rules, Regulations and the Code of Professional Conduct for Quantity Surveyors]
VAT Information	Value Added Tax Act 89 of 1991
Register of members	RICS Regulations and Bye-Laws

Note the above list is not exhaustive and may be amended and/or updated from time to time as the business of the private body evolves.

## 7 Description of the subjects on which the body holds records and categories of records held on each subject by RICS Group

Subjects on which the body holds records	Categories of records
Internal records	<ul style="list-style-type: none"> <li>• Financial records</li> <li>• Directors' Resolutions</li> <li>• Intellectual property and research</li> <li>• Agreements with service providers</li> </ul>

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> <li>• Agreements with Suppliers</li> <li>• Agreements with landlords, bankers, office equipment hire companies</li> </ul>
Human resources	<ul style="list-style-type: none"> <li>• HR policies and procedures</li> <li>• Advertised posts</li> <li>• Employees records</li> </ul>
Client records	<ul style="list-style-type: none"> <li>• Contracts</li> <li>• Reports</li> <li>• Delivery related records</li> <li>• Tenders</li> <li>• Method development and related research</li> <li>• Payments</li> <li>• Internal financial records</li> <li>• Details and particulars of quantity surveyors entitled to practise in South Africa and duly admitted doing so by the South African Council for the Quantity Surveying Profession</li> </ul>
Other records	<ul style="list-style-type: none"> <li>• Information related to commercial activities</li> <li>• Research information belonging to RICS GROUP or carried out on behalf of a third party.</li> </ul>

Note that the above list is not exhaustive and may be amended from time to time. Accessibility to the above records may be subject to the grounds of refusal as set out in this PAIA manual. Furthermore, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, prior to the private body giving consideration to access.

# 8 Processing of personal information

## 8.1 Purpose of processing personal information

We must have a legal reason to process your personal information, this is referred to as our 'legal basis'. Depending on your relationship with us, we might rely on the following legal bases:

**8.1.1 Contract:** This is where we need to process your personal information to deliver and administer the services that we provide, for example managing your membership with us, supporting and monitoring your continuing professional development, notifying you of updates to the Charter and Byelaws, or providing exam entry, undertaking assessments, and providing results.

**8.1.2 Consent:** Where we need to, we may ask for your consent to process your personal information. Examples include some of our marketing activities; responding to prospective employers or clients who contact us to verify your status; registering your interest in pursuing a career as a surveyor and/or becoming a member of RICS; or processing your health information to help provide you with additional support.

**8.1.3 Legitimate interest:** This applies where we have a genuine business need to process your information and believe it won't adversely impact your right to privacy. Examples include where we produce management information and reporting for internal or external use; profile you to help us identify trends and better tailor our products and communications to you; record telephone calls; and

share information with employers to help administer your membership or support you with your qualifications.

**8.1.4 Legal reasons:** As a company we have certain legal obligations and may process your information to meet these, for example where we must meet anti-fraud and money laundering regulations or to comply with law enforcement requests.

**8.1.5 Public interest:** As a Royal Chartered professional and regulatory body, some of our processing activities will be undertaken to meet our Charter and Bye-Law requirements and help protect the public, for example where we publish your membership on our public register or publish details of suspensions and disciplinary action we take.

**8.2 Description of the categories of data subjects and of the information or categories of information relating thereto**

Categories of data subjects	Personal information that may be processed
Members/customers/clients	name, address, registration numbers or identity numbers, employment status and bank details
Service providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race
Partner organisations	names, registration number, vat numbers, address, trade secrets and bank details



### 8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or categories of recipients to whom the personal information may be supplied
Qualifications for qualification verifications	South African Council for the Quantity Surveying Profession (SACQSP) and other professional bodies where we may operate joint qualification schemes, regulatory and legal authorities
Names, qualifications and professional registrations for enquiries, investigations, complaints and disciplinary hearings (disciplinary hearings and outcomes may be made public)	Other professional bodies and third parties who may investigate such complaints and disciplinary matters, regulatory and legal authorities
Names, qualifications, email addresses	Service providers, agencies, employers and educational bodies (subject to consent)
Names, identity details, qualifications, email addresses	For the purposes of corporate transactions (such as transfer of assets or acquisition by or merger with another company)

## **8.4 Planned transborder flows of personal information**

RICS Group is a global body. Our main information systems are located within the United Kingdom and the European Economic Area, but we may share personal information internally within RICS Group around the world to maintain our professional standards and membership. Some records may be maintained locally (subject to local legislation).

We may also transfer data outside of the United Kingdom and the European Economic Area to our suppliers as part of our operations and service delivery into jurisdictions where privacy laws, obligations and rights may vary. For such transfers, we will always ensure that appropriate due diligence and contractual safeguards are put in place to protect your privacy where required.

We record also that we are compelled to comply with the provisions of the General Data Protection Regulation ('GDPR') 2016/679, a regulation in UK and EU law on data protection and privacy in the United Kingdom, European Union and the European Economic Area. We thus undertake in respect of your information to be compliant with the provisions of both the GDPR and POPIA.

Where transborder flows of personal information is required RICS Group will assure to:

- 8.4.1 take steps to determine whether it is entitled to transfer personal information about a data subject to a third party in a foreign country, and

8.4.2 confirm that at least one of the additional requirements have been met:

8.4.2.1 the third party is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection of personal information

8.4.2.2 the data subject consented to the transfer of the personal information to the third party in a foreign country

8.4.2.3 the transfer is necessary for the performance of a contract between the data subject and you, or for the implementation of pre-contractual; measures taken in respect of a request by the data subject

8.4.2.4 the transfer is necessary for the conclusion or performance of a contract concluded between you and the third party in the interests of the data subject, or

8.4.2.5 the transfer is for the benefit of the data subject and it is not reasonably practical to obtain the consent of the data subject to that transfer and if it were practical, the data subject would have provided their consent.

**8.5 General description of information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

RICS Group has in place and maintains security measures to protect personal information and done by policies, procedures and controls to prevent any risk of personal information in the form of unauthorised access to, loss or destruction, damage to or data security breaches. For example:

- all data is encrypted in transit and when at rest in our data centre environment
- our servers and data storage are monitored and secured by a trusted 3rd party professional organisation that provide RICS with Security Operations Centre (SOC) support. Meaning that any cybersecurity events are identified and rectified in real time, and
- all user access is gained by multi-factor authentication, which is verified every 30 days.

We will only process your personal information where we have a lawful basis to do so. The basis for processing your personal information will vary depending on your relationship with us and the activity we need to process your information for.

There are various reasons why we might need to share your information with others, however it is important to know that we never sell your information to anyone else. We also ensure that we conduct due diligence and put in place contractual safeguards to help protect your information where required.

All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. Please note further that many of the records held by us are those of third parties, such as client and employees and we take the protection of third party confidential information very seriously.

In particular, where we act as professional advisors to clients, many of the records held are confidential and others are the property of the client and not RICS Group. Requests for access to these records will be considered very carefully.

You have a number of legal rights over our processing of your personal information. These include to objecting to our processing; getting access to your information; rectifying your information and asking us to erase your information. Sometimes it might not be possible to comply with your request, but we will always explain if this is the case.

Where appropriate, we will seek your consent to process your personal information. Where we rely on your consent to process personal information you have the right to withdraw your consent at any time.

We also will disclose your personal information if we have a good faith belief that such disclosure is necessary to meet any applicable law, regulation, legal process or other legal obligation.

## **8.6 Request procedures**

- Requests for access to records held by RICS Group must be made on the request forms that are available from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)).
- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of RICS Group. This request must be made to our electronic mail address: [privacy@rics.org](mailto:privacy@rics.org). [Section 53(1)].
- The requester must provide sufficient detail on the request form to enable us to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [Section 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that rights [Section 53(2)(d)].

- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of our Information Officer.
- The standard form that must be used for the making of requests is attached as Annex A. Not using this form could cause your request to be refused or delayed.
- A requester must ensure that requests for such records are carefully and fully motivated to avoid rejection.

## 9 Grounds for refusal

9.1 RICS Group may refuse to grant access on certain grounds, including the following (Part 3, Chapter 4 of PAIA). RICS Group further reserves the right to refuse you access to certain records in terms of PAIA and POPIA in order to protect:

- 9.1.1 the privacy of a third party
- 9.1.2 the commercial records of a third party in terms of an agreement
- 9.1.3 the confidential information in terms of an agreement
- 9.1.4 the safety of a person or Juristic person
- 9.1.5 information in legal proceedings
- 9.1.6 national security
- 9.1.7 the intellectual property or trade secrets of the private body, and
- 9.1.8 frivolous or vexatious, involve an unreasonable diversion of resources.

On receipt of a duly completed access request form, we will endeavour to notify you in writing within 30 (thirty) days as to whether your request has been approved or declined. If we cannot find any requested record and/or where it is determined that no such record exists, we shall formally notify you that it is not possible to provide access to that particular record.

## 10 Access request fees

10.1 Section 54 of PAIA provides that the head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request. The requester must contact the private bodies Information Officer for up to date schedule of fees, no information and/or records will be provided to the requester until the requester has paid all outstanding fees in full.

## 11 Complaints to the information regulator and application to court

11.1 The requester may submit a complaint in writing to the Information Regulator, within 180 days of the decision, alleging that the decision was not in compliance with the provisions of PAIA. An application to court may be brought in the ordinary course of business.

## 12 Availability of the manual

12.1 A copy of the Manual is available:

12.1.1 On [www.rics.org](http://www.rics.org)

12.1.2 at the head office of the RICS Group for public inspection during normal business hours

12.1.3 to any person upon request and upon the payment of a reasonable prescribed fee and

12.1.4 to the Information Regulator upon request.

12.2 A fee for a copy of the Manual, as contemplated in Annex B of the Regulations, shall be payable per each A4-size photocopy made.

## 13 Updating of the manual

The head of RICS Group will on a regular basis update this manual.

***Issued by***

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***Richard Collins***

***Interim Chief Executive Officer and Information Officer***

***For and on Behalf of RICS International Limited***

***Issued by***

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***Interim Chief Executive Officer and Information Officer***

***For and on Behalf of RICS Charter body***