

# KAPSTADT INTERNATIONAL PROPERTIES

Registration Number:

2022/43272/07

**NAME OF COMPANY: KAPSTADT INTERNATIONAL PROPERTIES**

**MANUAL**

**in terms of**

**Section 51 of**

**The Promotion of Access to Information Act**

**2/2000**

**(the "ACT")**

October 2015

A copy of this manual has been submitted to the South African Human Rights Commission.  
It is also available on our website.

DATE OF COMPILATION: 22/10/2015  
DATE OF REVISION: 21/06/2021  
DATE OF REVISION: 05/03/2024

KAPSTADT INTERNATIONAL PROPERTIES

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT, ACT NO 2 OF 2000**

**(“The Act”)**

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# MANUAL OF KAPSTADT INTERNATIONAL PROPERTIES

Prepared in accordance with Section 51 of the Promotion of Access to Information Act,  
No. 2 of 2000

(Private Body)

Last Updated: 21/06/2021

## 1. INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") became operative, giving effect to the section 32(2) Constitutional right of access to information.

This document serves as the Kapstadt International Properties information manual and provides reference to the records held by Kapstadt International Properties and the process to request access to such records.

Those who seek a record of a private body must meet the following requirements before a private body may release records to them:

- *The record must be required for the exercise or protection of any of the individual's legal rights;*
- *All the procedural requirements in requesting the information must be complied with;*
- *Access may be refused in terms of any grounds referred to in the Act.*

Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including but not only:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective and efficient governance and in a manner which balances that right with other rights.

The manual may be amended from time to time and as soon as any amendments have been finalized the latest version of the manual will be made public.

### Company overview

Kapstadt International Properties is an estate agency based in Cape Town. It operates in the real estate industry within the greater Cape Town region. It facilitates both property sales as well as rentals. Its clients include individual and corporate South Africans and trusts as well as international individuals, corporations and trusts. Kapstadt International Properties at all times operates with a valid and up-to-date Fidelity Fund.

### Who may request access to information:

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person is able to access the right which the requestor is seeking to protect.

## 2. SCOPE OF THE MANUAL

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

## 3. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection during office hours at the offices of Kapstadt International Properties as well as on request from the designated contact person referred to in this manual. This manual has been made available to the Human Rights Commission.

## 4. CONTACT DETAILS - SECTION 51(1)(a)

The responsibility for administration of/and compliance with the Act is that of the principal of Kapstadt International Properties. Requests pursuant to the provisions of the Act should be directed as follows:

Person designated/duly authorised person:

Company Registration No: 2022/43272/07

Directors: Mrs Elisabeth Kretschmer & Mrs Lisa Kritzingner

Office Manager: Mrs Karin Losch

Postal Address: P.O. Box 2467, Cape Town, 8001

Street Address: 11a De Lorentz Street, Gardens, 8001

Telephone Number: 021 424 2211

Fax Number: 021 424 4414

Email: [citybowl@kapstadtinternational.co.za](mailto:citybowl@kapstadtinternational.co.za)

Website: [www.kapstadtinternational.co.za](http://www.kapstadtinternational.co.za)

Office hours: Monday to Friday: 8:30 am – 5pm

## 5. GUIDE (HUMAN RIGHTS COMMISSION (“HRC”) GUIDE ) FOR REQUESTERS ON HOW TO USE THE ACT IN TERMS OF SECTION 10 - SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, *inter alia*, as follows:

### The South African Human Rights Commission:

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

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The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
 Telephone Number: +27 11 877 3600  
 Fax Number: +27 11 403 0625  
 Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
[PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 6. INFORMATION AVAILABLE IN TERMS OF LEGISLATION

|   |  |   |
|---|--|---|
| Finance Bills of Exchange Act 34 of 1964                            | Finance Business Act 71 of 1991                    | Finance Broad-Based Black Economic Empowerment Act 53 of 2003               |
| Financial Intelligence Centre Act 38 of 2001                        | National Credit Act 34 of 2005                     | South African Reserve Bank Act, 1989  |
|   | Tax Administration Act, 2011                       | Income Tax Act 58 of 1962   |
| South African Revenue Service Act, 1997                             | Tax on Retirement Funds Act, 1996                  | Insolvency Act 24 of 1936   |
| Value Added Tax Act 89 of 1991                                      | Consumer Protection Act 68 of 2008                 | Basic Conditions of Employment Act 75 of 1997                               |
| Compensation for Occupational Injuries and Diseases Act 130 of 1993 | Constitution of the Republic of South Africa, 1996 | Employment Equity Act 55 of 1998  |
| Employment Tax Incentive Act 26 of 2013                             | Equality Act, 1996                                 | Income Tax Act, 1962  |
| Labour Relations Act 66 of 1995                                     | Occupational Health and Safety Act, 1993           | Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 |
| Skills Development Act 97 of 1998                                   | Skills Development Levies Act 9 of 1999            | Unemployment Insurance Act 63 of 2001                                       |
| Unemployment Insurance Contributions Act 4 of 2000                  | Companies Act 71 of 2008                           | The Protection of Personal Information Act 4 of 2013                        |
| Prevention and Combatting of Corrupt Activities Act 12 of 2004      | Electronic Communications Act 36 of 2005           | Promotion of Access to Information Act 2 of 2000                            |
| Electronic Communications and Transactions Act 25 of 2002           | Promotion of Administrative Justice Act, 2000      |   |

## 10. INFORMATION AUTOMATICALLY AVAILABLE

10.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined herein:

10.1.1 personnel records are available to the employee whose file it is;

10.1.2 records of disciplinary hearings and related matters are available to the employee concerned;

10.1.3 the company's policies and procedures manual;

10.1.4 the company's document format manual.

10.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined herein:

10.2.1 the company's employment equity plan;

10.2.2 the company's skills development plan.

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## 11. INFORMATION AVAILABLE IN TERMS OF THE ACT ON APPLICATION

Please note that a requester is not automatically allowed access to these records and that access to them may or must be refused in accordance with sections 62 to 69 of The Act.

A request for these records is subject to section 63(1) of the Act, which provides that the head of a company must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

| <b>TYPE OF RECORD</b>              | <b>EXAMPLE</b>   | <b>CLASSIFICATION</b> |
|------------------------------------|--|-----------------------|
| BUSINESS ACCOUNTING RECORDS        | Annual financial statements and working papers<br>General ledger<br>Bank statements, cheque books, cheques<br>Customer and supplier statements and invoices<br>Deposit slips<br>Cash books and petty cash books<br>Fixed asset register<br>Tax returns and assessments<br>VAT returns<br>Lease or instalment sale agreements<br>Budgets and business plans<br>Insurance records<br>Auditor's reports | Proprietary           |
| CREDIT AGREEMENTS                  | Credit provider's documents  | Proprietary           |
| FIXED PROPERTY                     | Leases<br>Mortgage bonds or other encumbrances<br>Title deeds  | Proprietary           |
| HEALTH AND SAFETY                  | Evacuation Report<br>Minutes of safety committee meetings (if any)   | Confidential          |
| INFORMATION TECHNOLOGY AND SYSTEMS | Hardware<br>Internet<br>Software packages<br>Telephone exchange equipment<br>Telephone lines, leased lines and data lines  | Proprietary           |
| PROFESSIONAL AND OTHER INSURANCE   | Claim records<br>Details of coverage, limits and insurers<br>Insurance policies  | Proprietary           |
| LEGAL AGREEMENTS                   | Contracts with Clients<br>Contracts with Employees<br>Contracts with External Service Providers<br>Contracts with Suppliers with shareholders, officers or directors   | Confidential          |
| HUMAN RESOURCES                    | Disciplinary records<br>Employee information records<br>Employee loans<br>Employee remuneration<br>Employment applications<br>Employee date of birth<br>Employment contracts<br>Group personal accident<br>IRP 5 and IT 3 certificates<br>Letters of appointment   | Confidential          |

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|                           |   |              |
|---------------------------|---|--------------|
|                           | Leave applications<br>Maternity leave policy<br>Payroll<br>Particulars of each employee<br>Recruitment and appointments<br>Salary and wage registers<br>Tax returns of employees<br>Training and development<br>UIF, PAYE and SDL returns<br>Workmen's Compensation documents<br>Recruitment and appointments   |              |
| MARKETING                 | Newsletters<br>Service and product information<br>Client onboarding details<br>Marketing agreements   | Confidential |
| INTELLECTUAL PROPERTY     | Templates<br>Digital and physical publications<br>Internal and external compliance policies   | Confidential |
| STATURORY COMPANY RECORDS | Annual Statutory Returns<br>Certificate of Change of Name<br>Certificate of Incorporation<br>Certificate to Commence Business<br>Directors' attendance register<br>Memorandum of Incorporation<br>Notice and minutes of shareholders' meetings<br>Minutes of directors' meetings<br>Resolutions<br>Shareholders' agreements<br>Shareholders' register   | Proprietary  |
| TAX                       | Income tax returns<br>Provisional tax returns<br>Tax assessments<br>VAT documents   | Proprietary  |
| THIRD PARTIES             | <p>Section 71 of PAIA makes provision for a request for information or records about a third party. In considering such a request, the agency will adhere to the provisions of sections 71 to 74 of the Act.</p> <p>In certain circumstances, the agency will be obliged to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.</p> <p>In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the head of the company or the request liaison officer by referring the matter to the High Court.</p> | Confidential |

## 7. ACCESS REQUEST PROCEDURE - SECTION 51(1)(e)

*It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.*

*If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.*

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- The requester must use the prescribed form to make the request for access to a record. This must be made to the appointed designated person This request must be made to the address, fax number or electronic mail address of the body concerned.
- Request for access to records of private body – Form C has been appended to the manual.
- The requester must provide sufficient detail on the request form to enable the head of the private body 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.
- **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 right.**
- **Take care to adequately describe the right which you are 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.**
- 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 the designated person of the private body.
- A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

## **8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for refusal of a request for information are:

- 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 party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
  - Information disclosed in confidence by a third party to Kapstadt International Properties if the disclosure could put that third party to 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 could be regarded as privileged in legal proceedings;
- The Commercial Activities of Kapstadt International Properties which may include:
  - Trade secrets of Kapstadt International Properties;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Kapstadt International Properties.



## **9. PRESCRIBED FEES - SECTION 51(1)(e)**

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- The appointed designated person of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is R50 exclusive of value added tax.
- The requester may lodge an application to the court against the tender or payment of the request fee.
- After the designated person of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- The prescribed fees relating to a request to access information are as per includes Section 54(7), Section 54(2) and Section 54(7) of Regulation 11(3).

## **RESERVATION OF RIGHTS**

Nothing in this Manual is to be construed as a waiver of the right to the confidentiality of any document or any legal privilege or right of non-disclosure attaching to any document mentioned herein, whether in terms of any statute or under the common law. All rights in this regard are fully reserved.

**(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 11 (3)]**

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

**PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES**

- |     |  |          |
|-----|--|----------|
| 1.  | The fee for a copy of the manual as contemplated in regulation 5(c) is R0.60 for every photocopy of an A4 size page or part thereof.   |          |
| 2.  | The fees for reproduction referred to in regulation 7(1) are as follows:   |          |
|     | (a) for every photocopy of an A4-size page or part thereof _____   | R0.60    |
|     | (b) for every printed copy of an A4-size page or part thereof held on computer or in electronic or machine-readable form _____   | R0.40    |
|     | (c) for a copy in a computer-readable form on:   |          |
|     | (i) CD/DVD _____   | R40.00   |
|     | (d) (i) for a transcription of visual images, for an A4-size page or part thereof _____  | R22.00   |
|     | (ii) for a copy of visual images _____   | R60.00   |
|     | (e) (i) for a transcription of an audio record, for an A4-size page or part thereof _____  | R12.00   |
|     | (ii) for a copy of an audio record _____   | R17.00   |
| 3.  | The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is   | R50.00   |
| 4.  |  |          |
| 4.1 | The access fee payable by a requester referred to in regulation 7(3) is as follows:  |          |
|     | (a) for every photocopy of an A4-size page or part thereof _____   | R1 - R10 |
|     | (b) for every printed copy of an A4-size page or part thereof held on computer or in electronic or machine-readable form _____   | R0 - R75 |
|     | (c) for a copy in a computer-readable form on:   |          |
|     | (i) CD/DVD _____   | R70      |
|     | (d) (i) for a transcription of visual images, for an A4-size page or part thereof _____  | R40.00   |
|     | (ii) for a copy of visual images _____   | R60.00   |
|     | (e) for a transcript of an audio record:   |          |
|     | (i) for an A4-size page or part thereof _____  | R20.00   |
|     | (ii) for a copy of an audio record _____   | R30.00   |
|     | (f) To search for the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation                                  | R30.00/h |
| 4.2 | For purposes of Section 22(2) of the Act, the following applies:   |          |
|     | (a) six hours as the hours to be exceeded before a deposit is payable.   |          |
|     | (b) one third of the access fee is payable as a deposit by the requester.  |          |
| 4.3 | The actual postage is payable when a copy of a record must be posted to a requester exemption from paying "access fees"  |          |
|     | Person or persons exempted from paying access fee:   |          |
|     | (i) A single person whose annual income does not exceed <b>R14,712.00</b> ; or   |          |
|     | (ii) Married persons or a person and his/her life partner whose annual income does exceed <b>R27,192.00</b>  |          |
| 4.4 | The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his/her request for access as contemplated in section 75(3)(a) of the act _____ | R50.00   |

***(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))***  
***[Regulation 11 (3)]***

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

***(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))***  
***[Regulation 11 (3)]***

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

The actual postage fee is payable when a copy of a record must be posted to a requester.

#### **10. ADDITIONAL PRESCRIBED INFORMATION - SECTION 51(1)(f)**

In terms of this Section, the Minister may publish a notice prescribing any other information that private bodies will have to disclose.

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.<br>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**

- |  |
|--|
| <p>a. A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>b. You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>c. The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required to</i> search for and prepare a record.</p> <p>d. If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees: \_\_\_\_\_

**F. Form of access to record**

|  |
|--|
| <p>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.</p> |
|--|

|   |                                  |
|---|----------------------------------|
| Disability:   | Form in which record is required |
| <p>Mark the appropriate box with an X.</p> <p>NOTES:<br/>         Compliance with your request in the specified form may depend on the form in which the record is available.<br/>         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.<br/>         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><br>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*<br>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*                             |

|  |     |    |
|--|-----|----|
| 'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?<br>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 / PERSON ON  
WHOSE BEHALF  
REQUEST IS MADE**