

**INFORMATION MANUAL**

**OF**

**SIMBITHI ECO-ESTATE HOMEOWNERS' ASSOCIATION NPC**

**Prepared in accordance with Section 51 of the  
Promotion of Access to Information Act 2 of 2000**

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## **Preamble**

The Promotion of Access to Information Act 2 of 2000 (**PAIA**) came into operation on 23 November 2001. Section 51 of PAIA requires that we as a private body compile a manual giving information to the public (being all third parties, including our members) regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

## Introduction to this private body

Simbithi Eco-Estate (the **Estate**) is a gated residential estate located in Ballito in South Africa. Simbithi Eco-Estate Homeowners' Association NPC (the **Association**) is a non-profit company with members established to manage, administer, promote, advance and protect the Estate and the interests of property owners in the Estate.

We as a private body have compiled this manual, not only to comply with the provisions of PAIA as read with the applicable provisions of the Protection of Personal Information Act 4 of 2013 (**POPI**), but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public (including members of the Association) have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website.

## Section A – Our details

Full Name : Simbithi Eco-Estate Homeowners' Association NPC

Physical Address : 42 Cussonia Way, Simbithi Eco-Estate, 4390 Ballito, KZN

Postal Address : P.O. Box 1001, Simbithi, 4390

Telephone Number : (032) 946-8360

Estate Manager : Marc McClure, tell: 0329468364 email: gm@simbithi.com

Designated Information Officer : Sandika Gounden, tell: 0329468379, compliance@simbithi.com

Website : [www.simbithi.com](http://www.simbithi.com)

## Section B – The official Guide

In accordance with section 10 of PAIA, the South African Human Rights Commission (**SAHRC**) has published a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA. This Guide appears on the South African Human Rights Commission's website ([www.sahrc.org.za](http://www.sahrc.org.za)) and contains the following information:

1. Section 1 – Introduction to the PAIA Guide.
2. Section 2 – Finding the information that you need.
3. Section 3 – How to Make a Request for Access to Information (this includes details of the fees to be paid and explains your remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application).
4. Section 4 – When access to information can / may be refused.
5. Section 5 – Key references and other useful information.

Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

**Head Office:** South African Human Rights Commission

Braampark Forum 3

33 Hoofd Street

Braamfontein

**Telephone:** (011) 877-3600

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

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

## Section C – Information available in terms of PAIA

### 1. Categories of information

We **may** (but do not necessarily) hold the following categories of information:

#### CORPORATE INFORMATION

- (i) A copy of the Association's Memorandum of Incorporation and any amendments or alterations to it.
- (ii) A copy of any rules and/or regulations adopted by the Association.
- (iii) A record of our directors.
- (iv) Copies of reports presented at annual general meetings.
- (v) Copies of Annual Financial Statements, including:
  - (a) the auditor's report, if the Annual Financial Statements are audited; and
  - (b) the director's report.
- (vi) Copies of accounting records.
- (vii) Notices of all members' meetings.
- (viii) Minutes of all members' meetings.
- (ix) All resolutions adopted by members and any documents made available by us to the members in relation to their resolutions.
- (x) Copies of written communications sent generally by us to members.
- (xi) Minutes of all meetings of directors, or directors' committees (if any).
- (xii) Resolutions of directors, or board committees (if any).
- (xiii) Members' register.
- (xiv) A record of our company secretaries and auditors (if any), including:
  - (a) the name of each such person; and
  - (b) the date of each of their appointments.
- (xv) Budget of the Association

#### (b) ACCOUNTING RECORDS

- (i) Books of account including journals and ledgers.
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.
- (iii) Levy information.

#### (c) MEMBERS

- (i) Title Deeds.
- (ii) House plans.
- (iii) Utility account details.
- (iv) Levy account details.
- (v) Personal registration details.
- (vi) Access and egress details.
- (vii) Registration of contractors and domestic workers.
- (viii) Ownership details, constitutional documents (in respect of members that are juristic persons) and votes.
- (ix) Litigation and all other legal proceedings (including alternative dispute resolution processes) between members and the Association and debt collection.
- (x) Biometric registration details.
- (xi) Biometric access and egress details.
- (xii) Vehicles, golf cart and motorcycle registration details.
- (xiii) Membership applications and Members' files.
- (xiv) Property sales and leases, clearance information and transfer documents.
- (xv) Proxy appointments.

(d) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations.
- (ii) Time worked by each employee.
- (iii) Remuneration paid to each employee.
- (iv) Date of birth and/or identity number of each employee.
- (v) Wages register.
- (vi) Attendance register.
- (vii) Employment equity plan.
- (viii) Salary and wages register.
- (ix) Records of foreign employees.
- (x) Collective bargaining agreements (if any) and any records required in terms thereof.
- (xi) Arbitration awards (if any) and any records required in terms thereof.
- (xii) Determinations made in terms of the Wage Act (if any) and any records required in terms thereof.



- (xiii) Records of strikes, lockouts or protest action (if any).
- (xiv) Industrial training records.
- (xv) Staff records (after date of employment ceases).
- (xvi) Expense accounts.
- (xvii) Tax returns of employees.
- (xviii) Skills development plan.

(e) OTHER EMPLOYEE RECORDS

- (i) Employee contracts.
- (ii) Incentive schemes.
- (iii) Staff loan schemes.
- (iv) Study assistance schemes.
- (v) Maternity leave policy.
- (vi) Funeral insurance scheme.
- (vii) Code of conduct.

(f) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules.
- (ii) Pension Fund account records.
- (iii) Minutes of meetings of trustees and members.
- (iv) Actuarial valuation reports.
- (v) Contribution reports.
- (vi) Annual accounts.

(g) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records.
- (ii) Water quality monitoring programme records.
- (iii) Waste water assessment and monitoring records.
- (iv) Records of waste water discharges.
- (v) Records of waste water storage and waste water disposal.
- (vi) Employee medical surveillance records in respect of hazardous chemical substances.
- (vii) Records of investigations and tests in respect of hazardous chemicals and substances.

- (viii) Records of risk assessments and monitoring results in respect of hazardous biological agents.
- (ix) Safety management systems, data and audits.
- (x) Employee public health emergency action plans.
- (xi) Emergency response plans.
- (xii) Environmental impact assessments.
- (xiii) Environmental management programs and systems.
- (xiv) Details of aqueous discharges.
- (xv) Details of solid waste discharges.
- (xvi) Details of air emission discharges.
- (xvii) Environmental authorisations.

(h) FIXED PROPERTY

- (i) Title deeds.
- (ii) Leases.
- (iii) Building plans.
- (iv) Mortgage Bonds or other encumbrances to fixed property.
- (v) Management Agreements including information pertaining to managing agents.
- (vi) Sectional title scheme/s statutory and other information.

(i) MOVABLE PROPERTY

- (i) Asset register.
- (ii) Finance and lease agreements.
- (iii) Notarial bonds.
- (iv) Deeds of pledge.

(j) INTELLECTUAL PROPERTY

- (i) Trade marks, trade mark applications, trade names and protected names.
- (ii) Copyright-protected material.
- (iii) Agreements relating to intellectual property such as licence agreements, confidentiality agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements.
- (iv) Documents pertaining to litigation and other disputes involving intellectual property.

(k) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning the provision of services or materials.
- (ii) Agreements with members, officers or trustees.
- (iii) Acquisition or disposal documentation.
- (iv) Agreements with contractors and suppliers.
- (v) Warranty agreements.
- (vi) Sale agreements.
- (vii) Restraint agreements.
- (viii) Agreements with governmental agencies.
- (ix) Purchase or lease agreements.

(l) TAXATION

- (i) Copies of all Income Tax Returns and other tax returns and documents.

(m) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation.
- (ii) Settlement agreements.
- (iii) Material licences, permits and authorisations.

(n) INSURANCE

- (i) Insurance policies.
- (ii) Claim records.
- (iii) Details of insurance coverages, limits and insurers.

(o) TRANSPORTATION

- (i) Permits.

(p) INFORMATION TECHNOLOGY

- (i) Hardware.
- (ii) Operating systems.
- (iii) Telephone exchange equipment.
- (iv) Telephone lines, leased lines and data lines.
- (v) LAN installations.
- (vi) Software packages.
- (vii) Disaster recovery.

- (viii) Internal systems support and programming / development.
- (ix) Capacity and utilization of current systems.
- (x) Development or investment plans.
- (xi) Agreements.
- (xii) Licenses.
- (xiii) Audits.

(q) SALES AND MARKETING

- (i) Brochures, newsletters and advertising materials.
- (ii) Sales related information.
- (iii) Public relations policies and procedures.
- (iv) Information concerning estate agents and agencies.

(r) BLACK ECONOMIC EMPOWERMENT

- (i) Ratings conducted by accredited rating agencies.
- (ii) Recruitment and employment equity policies.
- (iii) Supplier and preferential procurement information.
- (iv) Skills development policy.

(s) COMMUNITY AND STAKEHOLDER ENGAGEMENT

- (i) Social and labour plan.
- (ii) Charitable initiatives.

(t) SECURITY

- (i) Biometrics registration, access and egress information.
- (ii) CCTV footage.
- (iii) Employment information.
- (iv) Standard Operating Procedures.

(u) MANAGEMENT

- (i) Directors' meetings minutes and resolutions.
- (ii) Management meetings minutes.
- (iii) Staff meetings minutes.
- (iv) Official correspondence with members and residents.
- (v) Official correspondence with debtors and creditors.

- (vi) Official correspondence with service providers.
- (vii) Official correspondence with Auditors, Attorneys and Financial Institutions.
- (viii) Legal proceedings between the Association and second parties, including alternative dispute resolution proceedings.
- (ix) OHS Act File and Reports / findings.
- (x) Maintenance schedules and checklists.
- (xi) Service contracts with service providers.
- (xii) Registration details and contracts with Estate Agents.
- (xiii) Developer agreements and contracts.
- (xiv) Service agreements and related documents.
- (xv) Health and Safety Registers.
- (xvi) Utility records including sewage plant reports, electrical reticulation boxes, water testing reports, water / electricity usage and readings.
- (xvii) Correspondence with Government departments.

## **2. Procedure for requesting access to the above information**

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in Annexure "A" hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website (whose contact details are in section B of this manual);

The completed form must be delivered to the information officer (whose contact details are in section A of this manual).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form and in Annexure "B" hereto.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

## **Section D – Information available in terms of other legislation**

Where applicable to our operations, information **may** also be available in terms of certain provisions of the following statutes. Unless disclosure is prohibited, records that are required to be made available in terms of these statutes shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA, the below-mentioned legislation and applicable internal policies and procedures should such interested parties be entitled to such information. A request for access to such documents must be made in accordance with PAIA and the procedure described above. For the avoidance of doubt, the accessibility of such documents and records may be subject to the grounds of refusal set out in PAIA:

- Administration of Estates Act No. 66 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Building Standards Act 103 of 1977
- Community Schemes Ombud Services Act No. 9 of 2011
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Estate Agency Affairs Act No. 112 of 1976
- Estate Duty Act No. 45 of 1955
- Financial Intelligence Centre Act No. 38 of 2001
- Firearms Control Act No. 60 of 2000
- Home Loan and Mortgage Disclosure Act No. 63 of 2000
- Housing Act No. 107 of 1997
- Housing Development Agency Act No. 23 of 2008
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Liquor Act No. 59 of 2003
- Long-term Insurance Act No. 52 of 1998

- Machinery and Occupational Safety Act No. 6 of 1983
- National Building Regulations and Building Standards Act No. 103 of 1977 and the Regulations promulgated thereunder
- National Credit Act No. 34 of 2005
- National Environmental Management Act No. 107 of 1998
- National Environmental Management Integrated Coastal Management Act No. 24 of 2008
- National Environmental Management Waste Act No. 59 of 2008
- National Payment System Act No. 78 of 1998
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Older Persons Act No. 13 of 2006
- Prescription Act No. 68 of 1969
- Prevention of Organised Crime Act No. 121 of 1998
- Protection of Personal Information Act 4 of 2013 (please see the Association's POPI Policy for further details in this regard, a copy of which is available at our website)
- Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002
- Road Transportation Act No. 74 of 1977
- Second-Hand Goods Act No. 6 of 2009
- Sectional Titles Act No. 95 of 1986
- Sectional Title Schemes Management Act No. 8 of 2011
- Securities Services Act No. 36 of 2004
- Security Officers Act No. 92 of 1987
- Short-term Insurance Act No. 53 of 1998
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- South African Police Service Act No. 68 of 1995
- South African Schools Act No. 84 of 1996
- Transfer Duty Act No. 40 of 1949

- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value-Added Tax Act No. 89 of 1991



## Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying, as the case may be, to those categories of persons recorded below.

In other words those persons entitled to access the documents do not need to request this information in terms of the Promotion of Access to Information Act.

Requests for access to these categories of information must also be made to our information officer, whose contact details appear in section A of this manual.

	Category of Persons	Information Automatically Available
1.	Members of the Association	<p>Subject to the Association's Memorandum of Incorporation (as amended from time to time), membership of the Association shall confer upon a member, the following rights:</p> <ul style="list-style-type: none"> <li>a) the right to inspect and/or receive copies of the annual financial statements of the Association;</li> <li>b) the right to inspect and copy, without any charge for any such inspection or upon payment of no more than the prescribed maximum charge for such copy, the information contained in the records of the Company as listed in Section 26 of the Companies Act 71 of 2008, which it is recorded includes the following, namely: <ul style="list-style-type: none"> <li>i. the Company's Memorandum of Incorporation and any amendments to it and any Rules made by the Company;</li> <li>ii. the records in respect of the Company's directors;</li> <li>iii. the reports to annual meetings and annual financial statements;</li> <li>iv. the notices and Minutes of annual meetings and any communications to the members and</li> <li>v. the register of members; and</li> </ul> </li> <li>c) the accounting records of the Association.</li> </ul>
2.	General Public	<p>Newsletters, booklets, pamphlets / brochures, reports, posters and other literature intended for public viewing, typically those documents disclosed on our website.</p> <p>A right to inspect or copy the members' and directors' register of the Association subject to the provisions of Section 26, read with Section 24 of the Companies Act.</p>

## Section F - Processing of Personal Information

The Association is committed to complying with the Protection of Personal Information Act 4 of 2013 (**POPI**) in relation to the processing of your personal information.

The Association has adopted a POPI Policy which describes how and why we collect, store, use, share or otherwise process your personal information. It also explains your rights in relation to your personal information and how to contact us if you have a question or complaint. A copy of the Association's POPI Policy is available at our website.

Section 51 of PAIA requires that this manual also addresses the following issues insofar as POPI is concerned.

If there is a conflict between any provision of this Manual and a provision of the POPI Policy, the provisions of both documents shall apply concurrently, to the extent that it is possible to apply and comply with one of the inconsistent provisions without contravening the second; and to the extent that it is impossible to apply and comply with one of the inconsistent provisions without contravening the second, the provisions of the POPI Policy prevail, except to the extent that this Manual expressly provides otherwise.

### 1. Purpose of the processing

In addition to that personal information listed in Section C of this Manual, above, the Association may collect and process the following information for the purposes described below:

Information Type	Reasons why we may use this information
<p><b>Identification information:</b> such as your name, photograph, passport, national identification, biometric information, gender, date of birth, vehicle registration number, vehicle licence and driving licence, information regarding your employer</p>	<p>To verify your identity to, <i>inter alia</i>, enable you to enter the Estate, to provide services to you, undertake adequate security and monitoring measures, comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party</p>
<p><b>Contact information:</b> such as, email address; telephone number; physical address; erf number</p>	<p>To contact you with information relevant to you as a resident / service provider / supplier of the Estate and/or its residents; to keep you informed about our activities and updates, to respond to any queries and requests, to manage and resolve any commercial or legal complaints or issues, to carry out planning and forecasting activities, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party</p>
<p><b>Contact and payment information and other information of suppliers /</b></p>	<p>To enable us to procure products and services from you, to keep you informed about our activities and updates, to respond to any queries and requests, to carry out market analysis and research, to carry out planning</p>

Information Type	Reasons why we may use this information
<b>contractors / service providers:</b> such as, name; email; telephone number; address, payment and bank details	and forecasting activities, for other internal business processes, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party
<b>Contact and other information of our directors, trustees, staff (past / present) / prospective employees:</b> contact details, employment history, references, vetting information, financial information including banking details, IT information and other information relating to employment (eg: leave; appraisals etc)	To enable you to carry out your role / duties, to carry out our contract with you, monitor your performance and compliance with our policies / standards / procedures, provide you with training and benefits and provide remuneration, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party
<b>Information obtained during entry, exit and whilst inside the Estate :</b> such as, CCTV images; photographs; contact details; incident reports; witness statements; car registration information; access records and registration details.	To allow you access to our Estate in line with our security policies and procedures and to manage and resolve any legal or commercial complaints or issues, including security practices.

## 2. Categories of data subjects and the information relating thereto

The Association may collect and process the personal information of the following categories of data subjects:

- Members (natural persons), their family members, guests, service providers and employees;
- Members (juristic persons) and their governing bodies, guests, service providers and employees;
- Estate management and employees;
- Service providers, suppliers and advisors;
- Users of the Estate's website and other social media platforms; and
- Other persons who enter the Estate or otherwise have dealings with the Estate.

Please refer to the table under section 1 above for examples of the kinds of information collected from these data subjects.

## 3. Recipients or categories of recipients to whom the personal information may be supplied

Depending on the circumstances, we may disclose your personal information to the following categories of persons:

- Auditors, legal and other professional advisers and consultants of the Estate or other third parties who help us deliver our services, including the Estate's managing agents and all committees of the Association;
- Information Technology service providers and other service providers who help us run the Estate or otherwise manage or store the personal information;
- Government and law enforcement authorities;
- Financial institutions;
- Other third parties where disclosure is required by law or otherwise required for us to perform our obligations and provide our services; and
- To any other person with your consent to the disclosure.

#### **4. Planned transborder flows of personal information**

The Association may transfer data outside of South Africa in certain circumstances (for example: in order to store data with third party cloud storage providers). The Association will only transfer personal information to other countries if required to perform our obligations and/or provide our services or if required in the circumstances (for example: where members of the Association do not reside in South Africa). In this case the Association will only do so in accordance with POPI and other relevant legislation, or if the data subject consents to the transfer of personal information to another country.

#### **5. Information security measures**

The Association employs several means to ensure the confidentiality, integrity and availability of your personal information in its possession, including but not limited to the following security measures:

- Limiting access to information to those persons who require access to the information in accordance with the purpose for the processing of that information
- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure
- Outsourced Service Providers who process Personal Information on behalf of the Association are contracted to implement security controls.

# ANNEXURE "A"

## 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 ONLY if a request for information is made on behalf of another person.*

Full names and surname: .....

.....

Identity number: .....

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. Description of record or relevant part of the record:.....  
.....  
.....  
.....
2. Reference number, if available:.....
3. Any further particulars of record: .....  
.....  
.....

**E. Fees**

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

Reason for exemption from payment of fees:.....  
.....  
.....

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability: .....  
.....  
.....

Form in which record is required:.....  
.....  
.....

Mark the appropriate box with an X.

**NOTES:**

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form:**

copy of record*	inspection of record

**2. If record consists of visual images**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images	copy of the images*	transcription of the images*

**3. If record consists of recorded words or information which can be reproduced in sound:**

listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)

**4. If record is held on computer or in an electronic or machine-readable form:**

printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  <b>Postage is payable.</b></p>	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



## **ANNEXURE “B”**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. If none of the exemptions contained in Government Notice GN R.991 dated 14 October 2005 apply (a copy of which is also attached for your reference), the following charges are payable:

### **1. Copies of a manual**

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

### **2. Reproduction fees<sup>1</sup>**

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

### **3. Access fees<sup>2</sup>**

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

### **4. Other fees**

- 4.1 A request fee<sup>3</sup> of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester.
- 4.2 A search fee<sup>4</sup> may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.<sup>5</sup>
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

#### **PART III - FEES IN RESPECT OF PRIVATE BODIES**

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

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1 Section 52(3) and Regulation 11(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2). See also paragraph 6 of Part 1 of this work.

4 Annexure “A”, Part III, Item 4(1)(f).

5 Section 54(2).

- |  | R     |
|--|-------|
| (a) For every photocopy of an A4-size page or part thereof.....  | 1,10  |
| (b) 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  |
| (c) For a copy in a computer-readable form on—   |       |
| (i) stiffy disc.....   | 7,50  |
| (ii) compact disc .....  | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof .....  | 40,00 |
| (ii) For a copy of visual images .....   | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof.....   | 20,00 |
| (ii) For a copy of an audio record .....   | 30,00 |
3. The request fee payable by a requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

- |   | R     |
|---|-------|
| (1) (a) For every photocopy of an A4-size page or part thereof .....  | 1,10  |
| (b) 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  |
| (c) For a copy in a computer-readable form on—  |       |
| (i) stiffy disc .....   | 7,50  |
| (ii) compact disc .....   | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof.....  | 40,00 |
| (ii) For a copy of visual images .....  | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof.....  | 20,00 |
| (ii) For a copy of an audio record.....   | 30,00 |
| (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. |       |
| (2) For purposes of section 54(2) of the Act, the following applies:  |       |
| (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.   |       |
| (3) The actual postage is payable when a copy of a record must be posted to a requester.  |       |

**GN R.991 of 14 October 2005: Exemptions and determinations for purposes of section 22 (8)**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22 (8) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereby—

- (a) exempt the following persons from paying the access fee contemplated in section 22 (6) of the Act:
- (i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 712,00 per annum; and
  - (ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R27 192,00 per annum, and

- (b) determine that—
- (i) where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fee does not apply;
  - (ii) the access fee contemplated in section 22 (6) of the Act does not apply to the personal record of a requester; and
  - (iii) the request fee contemplated in section 22 (1) of the Act and the access fee contemplated in section 22 (6) of the Act do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

## **SCHEDULE**

1. For purposes of paragraph (a) (i) and (ii) of the notice the following deductions are permissible:
- (a) Employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
  - (b) contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act No. 4 of 2002);
  - (c) compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee;
  - (d) contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18 (1) (a) of the Income Tax Act, 1962 (Act No. 58 of 1962);
  - (e) contributions to pension funds in terms of section 13A of the Pension Funds Act, 1956 (Act No. 24 of 1956);
  - (f) rent or mortgage installments to the maximum of R12 000,00 per annum;
  - (g) maintenance paid in terms of a court order; and
  - (h) school fees, except school fees paid to a private school.

**B.S. MABANDLA, MP**  
**Minister for Justice and Constitutional Development**