

**SUNNINGHILL GARDENS HOMEOWNERS'
ASSOCIATION
(ASSOCIATION INCORPORATED UNDER
SECTION 21)
Reg. No. 1996/005014/08**

**PROMOTION OF ACCESS TO
INFORMATION ACT MANUAL**

August 2003
Version 1

A copy of the manual will be available for inspection at No 16 Dukana Road, Sunninghill, Sandton

INTRODUCTION

On 9 March 2001, new legislation was enacted called the Promotion of Access to Information Act of 2000 (herein after referred to as “the Act”). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person. Therefore, the Sunninghill Gardens Homeowners’ Association (Association Incorporated under Section 21) is regarded as a “private body” and both the manual and the requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies.

This document serves as the Sunninghill Gardens Homeowners’ Association (Association Incorporated under Section 21) manual in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

COMPANY OVERVIEW

Sunninghill Gardens Homeowners’ Association (Association Incorporated under Section 21) (hereinafter referred to as “the Company”) is a company incorporated in South Africa.

The main business of the Company is the identification, pursuing and implementation of security measures in the area known as Sunninghill Gardens.

SCOPE OF THE MANUAL

The scope of this manual will exclude the Company’s operations outside South Africa and will serve to provide a reference regarding the records held by the Company at its registered office.

ADMINISTRATION OF THE ACT

The contact person below has been duly authorised to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact person: Mrs L Gildenhuis
Postal address: P.O. Box 609, Sunninghill, 2157
Physical address: 16 Dukana Road, Sunninghill, 2157
Phone number: +27 (11) 807 7191
Fax number: +27 (11) 807 7191
Email: sungard@worldonline.co.za

Section 51(1)(b)

GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This Guide will be available from the South African Human Rights Commission, by no later than August 2003. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700, Houghton, 2041

Phone: +27 (11) 484-8300

Fax: +27 (11) 484-0582

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

Section 51(1)(c)

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

The following categories of records are automatically available for inspection, purchase or photocopying.

NONE

Section 51(1)(d)

RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Records are available in accordance with the following legislation:

- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Companies Act No. 61 of 1973;
- National Payment Systems Act No. 78 of 1998;
- Basic Conditions of Employment Act No. 75 of 1997;
- Labour Relations Act No. 66 of 1995;
- Unemployment Insurance Act No. 30 of 1966;

Section 51(1)(e)

RECORD SUBJECTS AND CATEGORIES

General

- General Correspondence
- Statutory Records
- Administration Records
- Contracts and Agreements
- Insurance Records

Finance

- Accounting Records
- Budgets
- Management Reports
- Transactional Records
- PAYE Records
- Tax Records
- Membership Records

Audit

- Audit Reports and Supporting Working Papers

Company Secretary

- Statutory Records

Human Resource (HR)

- Employee Records
- Employee Benefit Records
- Labour Relations Records
- Statutory Records
- Employment Contracts

Legal

- General Legal Correspondence
 - Litigation and Dispute Records
 - Contracts and Agreements
-
-

ACCESS REQUEST PROCEDURE

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by the Company.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note:

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

Completion of Access Request Form

In order for the Company to respond to requests in a timely manner, the [Access Request Form](#) should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

- The Access Request Form must be completed in the English language.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Submission of Access Request Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in Section 51(1)(a).

An initial, **non-refundable R57.00 request fee** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Payment of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Note:

If the request for access is successful an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the [Prescribed Fees](#). The access fee must be paid prior to access being given to the requested record.

Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests including:

- The required extension period, which will not exceed an additional 30 day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- The amount of the deposit payable (if applicable); and
- That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Please note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is **successful** the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);
- An indication of the form in which the access will be granted;
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful** the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and

-
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

Grounds for Refusal

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse access include:

- Protecting personal information that the Company hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Company;
- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or the Company.

Records that cannot be found or do not exist

If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

Access Request Form

Page 1 of 5	FOR OFFICE USE ONLY	Reference number:
		Received by:

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

1 PARTICULARS OF BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Contact person: Mrs L Gildenhuis
Postal address: P.O. Box 609, Sunninghill, 2157
Physical address: 16 Dukana Road, Sunninghill, 2157
Phone number: +27 (11) 807 7191
Fax number: +27 (11) 807 7191
Email: sungard@worldonline.co.za

2a PARTICULARS OF REQUESTER (If Natural Person)

- (a) Particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number:

Postal address: _____

Postal code: _____

Phone number: () _____

Fax number: () _____

E-mail address: _____

Any further particulars of record: _____

5 FEES

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee** of **R57.00** has been paid.*
- (b) *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 the record.*
- (c) *You will be notified of the amount required to be paid as the **access fee**.*
- (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: _____

6a FORM OF ACCESS TO RECORD

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 under certain circumstances. In such a case you will be informed whether 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 the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack Transcription of soundtrack* (written or printed
(audio cassette) Document)

4. If the record is held on computer or in an electronic or machine -readable form:
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

- Printed copy of record* Printed copy of Information derived from the record* Copy in computer readable form* (stiffy or compact disc)

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

Yes	No
-----	----

6b In the event of disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required.

Disability: _____ **Form in which record is required:** _____

7 PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

- 1. Indicate the right to be exercised or protected:** _____

- 2. Explain why the record requested is required for the exercise or protection of the aforementioned right:** _____

8 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? _____

9

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

YOU MUST:

1. Complete all necessary spaces.
2. Sign the access request form.
3. Sign additional folios completed.

SEND WITH THIS APPLICATION:

1. R57.00 (if not personal requester) request fee.
2. Any additional folios completed.

Prescribed Fees

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

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

- | | |
|--|---------|
| (a) For every photocopy of an A4-size page or part thereof | R 1.25 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form | R 0.85 |
| (c) For a copy in a computer-readable form on | |
| (i) stiffy disc | R 8.55 |
| (ii) compact disc | R79.80 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R 45.60 |
| (ii) For a copy of visual images | R 68.40 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R 22.80 |
| (ii) For a copy of an audio record | R 34.20 |
| (f) To search for and prepare the record for disclosure - R34,20 for each hour or part thereof reasonably required for such search and preparation | |

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

2 PLEASE NOTE THAT ALL PRICES FOR THE ITEMS 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)]

3 PLEASE NOTE THAT THE PRICE FOR THE ITEM LISTED BELOW IS INCLUSIVE OF VALUE-ADDED TAX (VAT)

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

Section 51(1)(f)

ADDITIONAL PRESCRIBED INFORMATION

The Minister of Justice has prescribed no additional information.