

PAIA MANUAL POLICY AND PROCEDURES

Manual prepared in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000, (the “Act”) read together with the Protection of Personal Information Act, No. 4 of 2013

1. Introduction

The Act, together with all relevant legislation, provides for the right of access to information held by public and private bodies when such information is requested for the exercise of protection of any rights.

This manual has been compiled to inform and assist any potential requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

2. Overview

The Body Corporate / Home Owners Association (“the Scheme”) is a juristic entity and incorporated in terms of the provisions of the Sectional Titles Schemes Management Act, No. 8 of 2011 and/or the Community Schemes Ombud Service Act, No. 9 of 2011.

The Scheme is comprised of individual members who are registered owners of a property / section within the Scheme.

Membership of the Scheme is obligatory and the Scheme is legally obliged to process personal information of its members in order to fulfil its contractual and legislative mandate.

The scheme has, as it is entitled to do, assigned an information officer in terms of POPIA and PAIA to the relevant portfolio manager at HJ Management Services with the following details:

**The Portfolio Manager
HJ Management Services
5th Floor
515 Tyger Lakes Building
Niagra Way
Tyger Falls
Bellville
Tel: 021 202 2191
Fax: 086 750 3287
Email: info@hjman.co.za**

3. Section 10 guide

The Act requires the South African Human Rights Commission (“SAHRC”) to compile a guide to be available in each official language, to assist individuals in understanding how to exercise their rights contained in the Act.

Any queries regarding this guide can be addressed directly to the SAHRC at:

**The South African Human Rights Commission PAIA Unit
The Research and Development Department Braampark
Forum 3
33 Hoofd Street
Braamfontein
Private Bag x 2700
Houghton
2041
Tel: +27 11 484 8300
Fax: + 27 11 484 0582
Email: paia@sahrc.org.za
Website: www.sahrc.org.za**

4. Categories of data subjects and the information the Scheme may collect

Employees:

Name and contact details • Identity number and identity documents including passports • Employment history and references • Banking and financial details • Details of payments to third parties (deductions from salary) • Employment contracts • Employment equity plans • Medical aid records • Pension Fund records • Remuneration/salary records • Performance appraisals • Disciplinary records • Leave records • Training records

Members and members awaiting registration:

Postal and/or street address • title and name • contact numbers and/or e-mail address • ethnic group • employment history • age • gender • marital status • nationality • language • financial information • identity or passport number

Vendors /suppliers /other businesses:

Name and contact details • Identity and/or company information and directors' information • Banking and financial information • Information about products or services • Other information not specified, reasonably required to be processed for business operations

5. Purpose of processing personal information for each category of data subject

For members / members awaiting registration: • Performing duties in terms of any agreement with HJ Management Services and/or member • Operate and manage members' accounts and manage any application, agreement or correspondence member may have with the Scheme • Communicating with members by email, SMS, letter, telephone or in any other way, unless member indicates otherwise • To form a view of members as individuals and to identify, develop or improve services, that may be of interest to member • Performing other administrative and operational purposes

including the testing of systems • Recovering any debt members may owe the Scheme • Complying with the Scheme's regulatory and other obligations • Any other reasonably required purpose relating to the Scheme.

For employees: • The same purposes as for members (above) • Verification of applicant employees' information during recruitment process • General matters relating to employees: o Pension o Medical aid o Payroll o Disciplinary action o Training • Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors /suppliers /other businesses: • Verifying information and performing checks; • Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties; • Payment of invoices; • Complying with regulatory and other obligations; and • Any other reasonably required purpose relating to the Scheme's business.

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

Any firm, organisation or person that the Scheme uses to collect payments and recover debts or to provide a service on its behalf; • Any firm, organisation or person that/who provides the Scheme and/or HJ Management with products or services; • Any person who the Scheme has reason to believe to be a data subject's/consumer's parent, carer or helper where he/she is unable to handle his/her own affairs because of mental incapacity or other similar issues; • Any payment system the Scheme uses; • Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Scheme has a duty to share information; • Credit bureaux; • Third parties to whom payments are made on behalf of employees; • Financial institutions from whom payments are received on behalf of data subjects; • Any other operator not specified; • Employees, contractors and temporary staff; and • Agents • Storing information electronically; and • Making use of third party service providers to fulfil a business function on behalf of the Scheme. Disclaimer

7. Records are kept in terms of the following legislation

Basic Conditions of Employment Act 75 of 1997, Companies Act 71 of 2008, Compensation for Occupational Injuries and Diseases Act 130 of 1993, Consumer Protection Act 68 of 2008, Copyright Act 98 of 1978, Criminal Procedure Act 51 of 1977, Debt Collectors Act 114 of 1998, Electronic Communications and Transactions Act 25 of 2002, Electronic Communications Act, 36 of 2005, Financial Intelligence Centre Act 38 of 2001, Income Tax Act 58 of 1962, Labour Relations Act 66 of 1995, National Credit Act 34 of 2005, Occupational Health and Safety Act 85 of 1993, Pension Fund Act 24 of 1956, Protection of Personal Information Act 4 of 2013, Promotion of Access to Information Act 2 of 2000, Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, Sectional Titles Schemes

Management Act 8 of 2011, Community Schemes Ombud Service Act 9 of 2011, Tax Administration Act 28 of 2011, Tax Administration Laws Amendment Act 44 of 2014 Unemployment Insurance Act 63 of 2001, Unemployment Insurance Contributions Act 4 of 2002, Value Added Tax Act 89 of 1991 or such other legislation as may from time to time be applicable.

8. **Notice in terms of section 51(1)(c)**

No notice has been published to date in terms of Section 51(1)(c) of the Act. The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of the Act: All information to be made available for inspection as provided in terms of the Sectional Titles Schemes Management Act 8 of 2011 and /or the Community Schemes Ombud Service Act 9 of 2011 and/or any other legislation or provisions providing an automatic right of inspection / availability of any record of the Scheme.

9. **Procedure for request for access (Sections 53 to 57 and 60 of the Act)**

- a) To request a document that does fall within the ambit of the Act, the requester must complete the prescribed form as set out in Annexure A (form C) hereto and submit same to the Information Officer via the contact details listed under B above.
- b) The prescribed form must be completed with sufficient detail to enable the Information Officer to clearly identify the record/s requested, the requester's identity and which form of access to the records is required, should the request be granted. The requester must explain what other right is being protected or exercised.
- c) If the request is being made on behalf of another person, the requester must submit proof, to the satisfaction of the Information Officer, of the capacity in which they are making the request.
- d) The Information Officer will process the request and notify the requester of its decision whether or not the request has been granted. Should the request be granted, the notice will state the access fees (if any) that are payable and of the different procedures that must be followed until the request is finalised. A copy of the fee structure applicable to public and private bodies can be accessed on www.sahc.org.za.
- e) Should the request be refused, the notice will state adequate reasons for the refusal.

10. **Records not found or non-existent**

If the company has searched for a record and believe that it either does not exist or cannot be found, the company will notify the requester by way of an affidavit or affirmation that it is not possible to provide access to the requested record due to its inability to locate it. The company will also provide the requester with details on the

steps that were taken to try to locate the record and will confirm to the requester that, if at a later stage the record is located, the company will grant the requester access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Act.

11. Grounds for refusal of access to records (Sections 63 to 69 of the Act and the Protection of Personal Information Act No. 4 of 2013)

Access to certain records may be or must be denied on the grounds set out in the Act. This includes: - Mandatory protection of privacy of a third party who is a natural person - Mandatory protection of commercial information of third party - Mandatory protection of certain confidential information of third party - Mandatory protection of safety of individuals, and protection of property - Mandatory protection of records privileged from production in legal proceedings - Commercial information of private body - Mandatory protection of research information of third party, and protection of research information of private body.

12. Availability of the manual

Copies of this manual are available for inspection, free of charge, at the domicilium citandi et executandi of the Scheme as detailed in paragraph 2 above. Copies are also available from the South African Human Rights Commission and the website of the Scheme's Managing Agent (www.hjman.co.za).

**J752 REPUBLIC OF SOUTH AFRICA 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:

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Identity number:

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Postal address:

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Telephone number: (.....)

Fax number: (.....)

E-mail address

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Capacity in which request is made, when made on behalf of another person:

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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:

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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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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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 below, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate item with an X.

NOTES:

- (a) Compliance with your request for access 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)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable. YES..... NO.....

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

1. Indicate which right is to be exercised or protected:

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

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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?

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Signed at this day..... of

.....year

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**SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS
MADE**