STATUTORY PAIA MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 of 2000, AS AMENDED (PAIA)

(The Home Owners Association is a private body, formed in terms of the Companies Act 71 of 2008)

1. **CONTACT DETAILS** (Section 51(1)(a)(i) of the PAIA)

Home Owners Association name	Montecello Country Estate Home Owners Association NPC
Information Officer	Khovilan Dhevarajoo Parasuramadu
Principal place of business	90 Tamboti Road, Carlswald, Midrand, Gauteng, 1685
Postal Address	Same as above
Telephone No.	087 006 0999
Fax No.	N/A
Email Address	informationofficer@montecello.co.za

2. **INTRODUCTION**

This PAIA Manual is useful for the public to:

2.1 check the categories of records held by the Home Owners Association which are available without a person having to submit a formal PAIA request;
2.2 have a sufficient understanding of how to make a request for access to a record of the Home Owners Association, by providing a description of the subjects on which the Home Owners Association holds records and the categories of records held on each subject;
2.3 know the description of the records of the Home Owners Association which are available in accordance with any other legislation;
2.4 access all the relevant contact details of the Information Officer and/or Deputy Information Officer who will assist the public with the records they intend to access;
2.5 know the description of the guide on how to use the PAIA, as updated by the Regulator and how to obtain access to it;
2.6 know if the Home Owners Association will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;

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2.7 know the recipients or categories of recipients to whom the personal information may be supplied;
2.8 know if the Home Owners Association has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied;
2.9 know whether the Home Owners Association has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.
2.10 This Manual has been prepared in terms of Section 51 of the PAIA which aims to give effect to the constitutional right of access to information which is required to exercise or protect any rights.
2.11 The aim of the manual is to assist potential requestors as to the procedure to be followed when requesting access to records of the Home Owners Association as contemplated in terms of the PAIA.
2.12 The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.
2.13 Any requestor is advised to contact the head of the Home Owners Association per section 3 below, should he/she require any assistance in respect of the utilisation of this manual and/or the requesting of records from the Home Owners Association.

3. DESCRIPTION OF THE GUIDE IN TERMS OF SECTION 10 OF THE ACT AND HOW TO ACCESS THE GUIDE (Section 51(1)(b)(i) of the PAIA)

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use the PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the PAIA and the POPIA.
4.2. The Guide is available in each of the official languages and in braille.
4.3. The aforesaid Guide contains the description of:
- 4.3.1. the objects of the PAIA and the POPIA;
- 4.3.2. the postal and street address, phone, electronic mail address of:
  - 4.3.2.1. the Information Officer of every Public Body, and
  - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA[1] and section 56 of POPIA[2];
- 4.3.3. the manner and form of a request for-
  - 4.3.3.1. access to a record of a public body contemplated in section 11[3]; and

[1] Section 17(1) of PAIA - *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

[2] *Section 56(a) of POPIA - Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

[3] *Section 11(1) of PAIA - A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record and access to that record is not*

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4.3.3.2. access to a record of a private body contemplated in section 50[4];

4.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA:

4.3.5. the assistance available from the Regulator in terms of the PAIA and the POPIA;

4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by the PAIA and the POPIA, including the manner of lodging:

4.3.6.1. an internal appeal;

4.3.6.2. a complaint to the Regulator; and

4.3.6.3. an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

4.3.7. the provisions of sections 14[5] and 51[6] requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8. the provisions of sections 15[7] and 52[8] providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

4.3.9. the notices issued in terms of sections 22[9] and 54[10] regarding fees to be paid in relation to requests for access; and

4.3.10. the Regulations made in terms of section 92[11].

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

The Information Regulator's contact details are as follows:

Physical address: Woodmead North Park
54 Maxwell Drive

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refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

[4] *Section 50(1) of PAIA - A requester must be given access to any record of a private body if-*

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

[5] *Section 14(1) of PAIA - The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

[6] *Section 51(1) of PAIA - The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

[7] *Section 15(1) of PAIA - The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.*

[8] *Section 52(1) of PAIA - The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.*

[9] *Section 22(1) of PAIA - The information officer of a public body to whom a request for access is made, must by notice require therequester to pay the prescribed request fee (if any), before further processing the request.*

[10] *Section 54(1) of PAIA - The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

[11] *Section 92(1) of PAIA provides that –"The Minister may, by notice in the Gazette, make regulations regarding-*

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

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Johannesburg
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Email address: enquiries@inforegulator.org.za
Website: www.inforegulator.org.za
Tel: +27 10 023 5200
Toll free: +27 80 001 7160

4.5. The Guide can also be obtained-
4.5.1. upon request from the Information Officer;
4.5.2. from the website of the Regulator www.inforegulator.org.za

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

4. **NOTICE(S) IN TERMS OF SECTION 52(2) OF THE PAIA** (Section 51(1)(b)(ii) of the PAIA)

Currently no notices have been issued.

5. **RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION** (Section 51(1)(b)(iii) of the PAIA)

5.1 The Home Owners Association keeps records in accordance with the following legislation. These records may be administrative, compliance related, financial, etc. (please note that this is not an exhaustive list):

Category of Records	**Applicable Legislation**
Conduct & Management Rules	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Policy	Protection of Personal Information Act 4 of 2013
Disciplinary & Grievance Records	Labour Relations Act 66 of 1995
Employment Contracts, Payslips, UIF, PAYE Records	Basic Conditions of Employment Act 75 of 1997 Labour Relations Act 66 of 1995 Unemployment Insurance Act 63 of 2001
Tax Records	Income Tax Act 58 of 1962
Occupational Health & Safety Compliance	Occupational Health and Safety Act 85 of 1993
COIDA Registration & Injury on Duty Records	Compensation for Occupational Injuries and Diseases Act 130 of 1993
Registration with the CSOS, Payment of the quarterly levy to the CSOS and Annual Return to	Community Schemes Ombud Service Act 9 of 2011

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the CSOS.	

6. **HOW TO REQUEST ACCESS TO A RECORD/DESCRIPTION OF THE SUBJECTS ON WHICH THE** HOME OWNERS ASSOCIATION **HOLDS RECORDS AND THE CATEGORIES OF RECORDS** (Section 51(1)(b)(iv) of the PAIA)

a. Home Owners Association confirms that all records requested shall only be available to a requestor subject to the PAIA. No information is automatically available without having to request access in terms of the PAIA. A request for information should be in the prescribed form 2, attached marked J1 (and available on the website of the Information Regulator– www.inforegulator.org.za addressed to the Head of the Home Owners Association at its address, fax number or electronic mail address.

b. The requester must provide sufficient particulars to enable the Head of the Home Owners Association to identify the records requested and the identity of the requester, which form of access is required and to identify the right the requestor is seeking to exercise or protect. The requestor must also provide an explanation of why the requested record is required for the exercise or protection of that right and if the requestor wishes to be informed of the decision of the request in a manner other than by written reply, must state the manner he wishes to be informed by. If a request is made on behalf of a person, proof of the capacity in which the requester is making the request must also be submitted to the satisfaction of the Head of the Home Owners Association.

c. The request fee must be paid before further processing of the request takes place. The Head of the Home Owners Association may require a deposit to be paid, if the request is granted. The prescribed fees that the Home Owners Association can charge are set out on Annexure K1 attached to this Manual and on the website of the Information Regulator – www.inforegulator.org.za

d. The Information Regulator's contact details are as set out above.
All requests in the prescribed format will be considered by the Home Owners Association in terms of the PAIA. Access may be refused in terms of S62 to S69 of the PAIA.

e. The Home Owners Association holds records on the following subjects and in the following categories.

COMPLIANCE

Management & Conduct Rules, PAIA Manual and POPIA Policy, Registration with the CSOS, Payment of the quarterly levy to the CSOS and Annual Return to the CSOS, Rules, minutes of Directors and owner's meetings, lists of Directors, owners and tenants, lists of erven, plans, resolutions, consents, approvals and waivers, written contracts, decisions of adjudicators/courts and legal opinions, budgets and financial statements, insurance policies and

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endorsement and claim forms, correspondence sent and received, reports, books of account.

LABOUR AND TAX

Contracts of employment, payroll and payslips, PAYE, UIF, workman's compensation, medical-aid, pension fund and other deductions and returns, Tax Records, Disciplinary & Grievance Records, Employment Contracts, Occupational Health & Safety Compliance, COIDA Registration and Injury on Duty Records.

7. **INSOFAR AS THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 IS CONCERNED** (Section 51(1)(c) of the PAIA)

(i) The purpose of the processing

To comply with the Companies Act and other legislation and the Home Owners Association's governance documentation and to effectively manage the affairs of the Scheme.

(ii) A description of the category of data subjects and the information or categories of information relating thereto

Categories of Data Subjects	**Personal Information that may be processed**
Owners	full name, ID/passport number, section address, mailing address, telephone numbers, email address, minuted opinions, Court/CSOS decisions and legal opinions, correspondence sent and received by the Home Owners Association and Directors, biometrics, bank details, CCTV footage
Tenants	full name, ID/passport number, section address, mailing address, telephone numbers, email address, minuted opinions, Court/CSOS decisions and legal opinions, correspondence sent and received by the Home Owners Association and Directors, biometrics, bank details, CCTV footage
Visitors	visitor information (full name, ID/passport number, vehicle registration, contact details, resident being visited, date/time of entry and exit, access logs, and CCTV footage)

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Directors	full name, ID/passport number, section address, mailing address, telephone numbers, email address, minuted opinions, Court/CSOS decisions and legal opinions, correspondence sent and received by the Home Owners Association and Directors, biometrics, bank details, CCTV footage
Employees	Written contracts with, biometrics, bank details
Contractors	Written contracts with, biometrics, bank details
Agents	Written contracts with, biometrics, bank details
Developer	Names and address of contractors, subcontractors and employees of the developer.

(iii) The recipients or categories of recipients to whom the personal information may be supplied

Owners, tenants, directors, employees, contractors, agents, bondholders, developer, regulatory bodies, law enforcement agencies, courts, and other relevant entities.

(iv) Planned transborder flows of personal information

There is currently no planned transfer of personal information outside the Republic. Should such transfer occur, it will be done in compliance with the applicable provisions of POPIA.

(v) A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

The Private Body has completed a POPIA Compliance Framework, will conduct Personal Information Impact Assessments (PIIA's), develop internal measures/systems to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed and conduct internal awareness sessions.

Owners will be requested to sign a POPIA non-disclosure document in respect of the personal information inspected/copied by them.

The Private Body undertakes to implement all suitable measures to protect physical and electronic information and to prevent the unauthorized manipulation of personal information and currently makes use of password protection and a firewall.

Contractors and agents like auditors, insurance companies, attorneys, security companies and computer program operators and all parties who come into possession of personal information will be requested to sign POPIA non-disclosure documents.

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8. **UPDATING OF MANUAL** (Section 51(2) of the PAIA)

This manual will on a regular basis be updated in terms of Section 51(2) of the PAIA by the Head of the Home Owners Association.

9. **AVAILABILITY OF THE MANUAL** (Section 51(3) of the PAIA)

a. This manual or the updated version thereof will be made available on the website of the Home Owners Association, if applicable, at the principal place of business of the Home Owners Association for public inspection during normal business hours, to any person upon request and upon payment of a reasonable amount and to the Information Regulator, upon request.
b. A fee for a copy of the Manual, as contemplated in **Annexure K1** of the Regulations, shall be payable per each A4-size photocopy made.

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TO BE USED BY THE MANAGING AGENT TO DETERMINE THE FEES THAT CAN BE CHARGED BY THE HOME OWNERS ASSOCIATION IN TERMS OF THE PAIA

"Annexure K1"

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R 1,10 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:

a)		For every photocopy of an A4-size page or part thereof	R 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	R 0,75
c)		For a copy in a computer-readable form on –	
	i.	Stiffy disc	R 7,50
	ii.	Compact disc	R 70,00
d)	i.	For a transcription of visual images, for an A4-size page or part thereof	R 40,00
	ii.	For a copy of visual images	R 60,00
e)	i.	For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
	ii.	For a copy of an audio record	R 30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R 50,00.

4. The access fee payable by a requester referred to in regulation 11(3) are as follows:

(1)	(a)	For every photocopy of an A4-size page or part thereof	R 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	R 0,75
	(c)	For a copy in a computer-readable form on –	
		i. Stiffy disc	R 7,50

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	ii.	Compact disc	R 70,00
(d)	i.	For a transcription of visual images, for an A4-size page or part thereof	R 40,00
	ii.	For a copy of visual images	R 60,00
(e)	i.	For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
	ii.	For a copy of an audio record	R 30,00

(f) To search for and prepare the record for disclosure, R 30,00 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 (6) 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.

TO BE USED BY A REQUESTOR REQUESTING A RECORD IN TERMS OF THE PAIA

"Annexure J1"

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

_____
_____
_____
_____
_____

(Address)

E-mail address: _____

Fax number: _____

*Mark with an **"X"***

☐ Request is made in my own name

☐ Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made *(when made on behalf of another person)*				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			

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Full names of person on whose behalf request is made *(if applicable):*				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

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

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TYPE OF RECORD *(Mark the applicable box with an "**X**")*	
Record is in written or printed form	
Record comprises virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS *(Mark the applicable box with an "**X**")*	
Printed copy of record *(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)*	
Written or printed transcription of virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	
Transcription of soundtrack *(written or printed document)*	
Copy of record on flash drive *(including virtual images and soundtracks)*	
Copy of record on compact disc drive*(including virtual images and soundtracks)*	
Copy of record saved on cloud storage server	

MANNER OF ACCESS *(Mark the applicable box with an "**X**")*	
Personal inspection of record at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)*	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	

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E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	
Preferred language *(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)*	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED *If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*	
Indicate which right is to be exercised or protected	

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

FEES	
a) A request fee must be paid before the request will be considered. *b) You will be notified of the amount of the access fee to be paid.* *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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	**Facsimile**	**Electronic communication** ***(Please specify)***

Signed at _____ this _____ day of _____ 20 _____

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Signature of Requester / person on whose behalf request is made

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FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Issued by

_____

Signature of Information Officer