



**KYALAMI ESTATES HOMEOWNERS ASSOCIATION NPC
(Registration No.: 1990/004673/08)**

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000**

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1. Preamble

The Promotion of Access to Information Act, Act 2 of 2000 (the “Act”), which came into effect on the 9th of March 2001, seeks to advance the values of transparency and accountability of South Africa.

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the State as well as access to records held by private bodies, entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- If the record is required for the exercise of protection of any of his or her legal rights;
- The requestor complies with all the procedural requirements; and
- The access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

Kyalami Estates Homeowners Association (“KEHOA”) is a non-profit company duly registered and incorporated under the laws of the Republic of South Africa, with registration number 1990/004673/08.

This document constitutes the Manual prepared by KEHOA in terms of Section 51 of the Act.

2. Introduction

KEHOA is a non-profit company with as its primary objective the promotion, advancement and protection of the communal interests of lawful occupiers of property located in the residential village development known as Kyalami Estates (“the Estate”), located in Midrand in Region A of the City of Johannesburg Metropolitan Municipality in Gauteng Province.

3. Company Contact Details

All requests in terms of this Manual should be directed to:

The Estate Manager, KEHOA

The Estate Manager for the time being shall be the designated Information Officer of KEHOA in terms of the Act.

Contact details of KEHOA are as follows:

Physical Address: Estate Office, 1 Aintree Crescent, Kyalami Estates, Midrand
Postal Address: PO Box 50, Kyalami Estates, 1684
Telephone Number: 011-468 3001 option 2
Email: estatemanager@kyalamiestates.co.za

4. Guide in terms of Section 10 of the Act

Any person wishing to submit a request for information is referred to the 'Guide on How to Use the Promotion of Access to Information Act, Act 2 of 2000' (the "Guide"), compiled by the South African Human Rights Commission ("SAHRC") in terms of section 10 of the Act to assist persons in understanding and using the Act. The Guide sets out the prescribed procedures and associated forms and fees and is available from the SAHRC.

Contact details of the SAHRC are as follows:

Physical Address: Braampark Forum 3, 33 Hoofd Street, Braamfontein

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: 011-877 3600

Website: www.sahrc.org.za

Email: paia@sahrc.org.za

5. Notices in terms of Section 52(2) of the Act

As at the date of compilation of this Manual the Minister has not published any notices on the categories of records that are automatically available without a person having to request access thereto in terms of the Act.

6. Schedule of Records kept and available in accordance with other Legislation (Section 51(1)(d) of the Act)

Certain records kept by KEHOA are available in terms of various provisions of the following legislation (as amended or replaced from time to time):

- Labour Relations Act, Act 66 of 1995
- Employment Equity Act, Act 55 of 1998
- Basic Conditions of Employment Act, Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act, Act 130 of 1993
- Occupational Health and Safety Act, Act 85 of 1993
- Companies Act, Act 61 of 1973
- Companies Act, Act 71 of 2008
- Income Tax Act, Act 58 of 1962
- Value Added Tax Act, Act 89 of 1991
- Tax Administration Act, Act 28 of 2011
- Unemployment Insurance Act, Act 63 of 2001
- Unemployment Insurance Contributions Act, Act 4 of 2002
- Skills Development Act, Act 97 of 1998
- Skills Development Levies Act, No 9 of 1999
- Electronic Communications and Transactions Act, Act 25 of 2002
- Protection of Personal Information Act, Act 4 of 2013
- Community Schemes Ombud Service Act, Act 9 of 2011

It should be noted that this list is not exhaustive.

7. Categories and Subjects of Records kept by KEHOA (Section 51 (1)(e) of the Act)

A list of the various records kept by KEHOA, broken down in categories and subject, is provided below. This list is subject to change from time to time.

A requestor may request access to such records in terms of the Act, but such access is not granted automatically, and access to them may (or, in some cases, must) be refused in terms of sections 62 to 69 of the Act.

Statutory records

Statutory documents of incorporation of the company

Community Participation Manual

Architectural Guidelines

Contractors' Code of Conduct

Records relating to the appointment of:

- Directors
- Auditors
- Public Officer
- Company Secretary
- Prescribed Officers

Register of Members

Minute books of Members' General Meetings

Details of proxies

Ordinary resolutions passed at General Meetings

Special resolutions passed at General Meetings

Minute books of Board meetings

Register of Board resolutions

Statutory records and returns

Trademarks

Financial records

Annual financial statements

Accounting records

General ledger

Subsidiary ledgers

Banking records

Banking details and bank accounts

Member levy account statements

Supplier statements and invoices

Cash books and petty cash books

Fixed asset register

CSOS records

CPM compliance records

Tax records

Income tax returns

Tax assessments

PAYE returns

VAT returns

UIF returns

SDL returns

Workmen's Compensation records

Human resource records

Policies and procedures

Organogram with name and occupation of each employee
Employment contracts
Disciplinary records
Performance appraisal records
Training and development records
Leave records
IRP5 and IT3 records
Maternity leave procedure

Property records

Title deeds of properties within the Estate
Building plans of own properties
Copies of Members' building plans

Health and safety records

Appointment letters
Reports by health and safety consultants
Contractor health and safety agreements and appointments
Contractor health and safety files

Information Technology records

Software licenses
Software packages
Biometric access data records
Surveillance camera footage and data (time-limited)

Insurance records

Insurance policy documents
Insurance audits
Claims records

Legal records

Acquisition or disposal records
Agreements with contractors/suppliers

General

Correspondence files with Members

8. Information Processed by KEHOA in terms of the Protection of Personal Information Act (Act 4 of 2013)

Note: the following information is not required to be provided in this Manual by the Act, but is included for informational reasons

8.1 Description of categories of Data Subjects and the main categories of Personal Information processed

Category of Data Subject	Main categories of Personal Information processed
Members of KEHOA Residents in the Estate Persons with Biometric Access to the Estate (domestic workers, other employees etc.)	Name, contact information, identification information, biometric data, drivers' license data, vehicle data, camera surveillance data and any other information required by KEHOA to carry out a legal duty or meet a contractual obligation.
Employees of KEHOA	The same categories as listed under Members of KEHOA (above) but includes other personal information relating to the employment relationship.
Suppliers and Service Providers to KEHOA	Name or company information, contact information, banking details and any other information required by KEHOA to carry out a legal duty or meet a contractual obligation. For supplier and service provider staff visitors to the Estate: name, identification information, drivers' license data, vehicle data, biometric data, camera surveillance data.
Casual Visitors to KEHOA	Name, identification information, drivers' license data, vehicle data, camera surveillance data.

8.2 Purpose of the processing of Personal Information

Personal Information is processed by KEHOA solely for the purpose of its day to day operations, or as required legally by third parties.

8.3 Categories of recipients of Personal Information

The following categories of recipients (with a legitimate need to know and process Personal Information for their own operational requirements) may receive Personal Information from KEHOA:

- Suppliers, service providers and other third parties
- Regulators, government authorities and ombudsmen, including the South African Police Service
- KEHOA employees (in the normal execution of their duties)
-

9 Form of Request (Section 53 of the Act)

Requests to KEHOA for access to information in terms of the Act must be made on the prescribed Form C (Request for Access to Record of Private Body) attached to this Manual (Appendix A). Form C is also available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za). KEHOA's Information Officer can also assist with the completion of the form.

The requestor must provide sufficient detail on the request form to enable KEHOA's Information Officer to identify the record being requested, and the requestor must provide a proof of his/her identity to KEHOA. The requestor should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requestor must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the satisfaction of the Information Officer of KEHOA.

All requests for access to information to KEHOA will be evaluated and considered in accordance with the Act and the decision relayed to the requestor in accordance with the timelines prescribed by the Act. Publication of this Manual and describing the categories and subject matter of information held by KEHOA does not give rise to any rights (in contract or otherwise) to access such information or records, except in terms of the Act.

It is important to note that the Act cannot be used to obtain records for use during civil or criminal legal proceedings after the commencement of such proceedings, and if the production or access to the relevant record for this same purpose is provided for in terms of any other law (Section 7 of the Act).

10 Prescribed Fees

A requestor is required to pay the prescribed fees before any request will be processed. Such payment shall be made by electronic funds transfer into KEHOA's nominated bank account, as advised by the Information Officer.

KEHOA will charge fees related to requests for information in accordance with the Regulations of the Act, as published by the relevant regulatory bodies from time to time. Currently, these fees are as follows:

Request fees

All requestors of access to information from KEHOA will be required to pay a request fee of R50, with the exception of requestors who are requesting access to their personal information, who will be exempt from paying such fee. Single persons whose annual income after permissible deductions does not exceed R14 712.00, as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 902.00, are exempted from paying access fees.

Access fees

All requestors will also be required to pay an access fee to KEHOA, to cover the cost of finding the record and copying it.

The access fees are as follows:

Copy per A4 page	R1.10
Printing per A4 page	R0.75
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Copy of a visual image	R60
Transcription of an audio recording (per A4 page)	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour
Postage fee	Actual cost

Both request and access fees are exclusive of VAT.

KEHOA shall levy VAT on all fees, to be paid together with the applicable fee.

Appendix A

Request for Access to Record of Private Body – Form C (see below)

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: Estate Manager, Kyalami Estates Homeowners Association
Estate Office, 157 Kenilworth Street, Kyalami Estates, Midrand
PO Box 50, Kyalami Estates, 1684
011-468 3001 option 2
estatemanager@kyalamiestates.co.za

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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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
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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:

.....

.....

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 of20.....

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