



ERINVALE® COUNTRY ESTATE HOMEOWNERS' ASSOCIATION

**PROMOTION OF ACCESS TO INFORMATION
ACT (2 of 2000)**

SECTION 51 MANUAL FOR ACCESSING OUR INFORMATION

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

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Preamble

The Promotion of Access to Information Act NO. 20 of 2000, (“the Act”) came into operation on 23rd November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this Private Body

Erinvale is a residential golf estate, which is part of the greater Helderberg community in the Western Cape. The name “Erinvale” dates back from 1868 when the farm, then known as Welgelegen, was bought by an Irishman, Edward Strangman, who renamed the farm; “Erin” being the ancient name of Ireland and “Vale” the valley. The development as an estate was officially launched on 12 December 1992, and services were installed by July 1994. The Estate promotes and provides secure, self-regulated community living, which caters for a wide variety of residents, golfers and non-golfers, young families and retired persons.

Professional management runs the Homeowners’ Association under the guidance of their Elected Committees.

Architectural and landscaping standards are maintained in harmony with the natural surroundings, which are actively conserved.

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 - www.erinvale.com

1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------------|--|
| 1.1 | “DIO” | Deputy Information Officer; |
| 1.2 | “IO” | Information Officer; |
| 1.3 | “Minister” | Minister of Justice and Correctional Services; |
| 1.4 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.5 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.6 | “Regulator” | Information Regulator; and |
| 1.7 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body 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 body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;

- 2.4 access all the relevant contact details of the Information Officer and 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 PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body 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;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body 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; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE ERINVALLE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION

3.1. Chief Information Officer

Name: HELEN DOOLEY
Tel: 021 847-1249
Email: info@erinvalehoa.co.za
Fax number: 021 847-1129

3.2. Deputy Information Officer

Name: HEATHER FERGUSON
Tel: 021 847-1249
Email: reception@erinvalehoa.co.za
Fax Number: 021 847-1129

3.3 Access to information general contacts

Email: info@erinvalehoa.co.za

3.4 Office Details

Postal Address: Unit 6005
Erinvale Estate
Somerset West
7130

Physical Address: Erinvale Avenue
Erinvale Estate
Somerset West
7130

Telephone: 021 847-1563 / 1249

Email: info@erinvalehoa.co.za
reception@erinvalehoa.co.za

Website: www.erinvale.com

4. **GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

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 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 PAIA and 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 PAIA and POPIA;
- 4.3.2. the postal and street address, phone and fax number and, if available, 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 PAIA¹ and section 56 of POPIA²;
- 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 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

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 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.*

- 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 PAIA and 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 14⁵ and 51⁶ 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 15⁷ and 52⁸ 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 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

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 the requester 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.

4.3.10. the regulations made in terms of section 92¹¹.

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.

4.5. The Guide can also be obtained from the website of the Regulator <https://www.justice.gov.za/infoereg/>

5. CATEGORIES OF RECORDS OF THE ERINVALLE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Available on Website	Available upon request
Constitution	X	X
Estate Rules	X	X
Architectural Design & Landscaping Guidelines	X	X
Grievance Procedure		X
Minutes of General Meetings (AGM & SGM)		X
Resolutions passed at General Meetings		X
Register of Fixed Assets		X
Finance and Lease Agreements		X
Registered Trademark		X

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.”

6. DESCRIPTION OF THE RECORDS OF ERINVALLE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Basic Condition of Employment Act	No 75 of 1997
Companies Act	No 61 of 1973
Income Tax Act	No 95 of 1967
Occupational Health & Safety Act	No 85 of 1993
Unemployment Contributions Act	No 4 of 2002
Unemployment Insurance Act	No 63 of 2001
Skills Development Levies Act	No 9 of 1999
Skills Development Act	No 97 of 1998
Value Added Tax Act	No 89 of 1991
PAIA Manual, Promotion of Access to Information Act	No 2 of 2000

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE ERINVALLE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION

Subjects on which the body holds records	Categories of records
Accounting Records	<ul style="list-style-type: none"> • Audited Financial Statements • Accounting Records • Financial Management Reports • Banking Records (Statements, Electronic

Subjects on which the body holds records	Categories of records
	banking records) <ul style="list-style-type: none"> • Rental Agreements • Purchase Orders & Invoices • Receipts • Insurance Records
Statutory SARS & HR	<ul style="list-style-type: none"> • PAYE/UIF & Skills Development Levies • Employment Contracts • Pension Fund Records • Disciplinary Records • Salary Records • Leave Records • Income Tax Records

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

We use personal information to provide the services expected from a homeowner's association to collect and process payments and maintain accounts and records, to prevent crime and aid in the prosecution of offenders, and to administer and maintain records including visitor and contractors who may work for residents from time to time. In addition, we use this information to prevent or detect fraud or abuses of our website and enable third parties to carry out technical, logistical or other functions on our behalf.

We also use personal details to send newsletters and to communicate important information via email, electronic messaging services, telephone or post.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Registered Homeowners	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

8.4 Planned transborder flows of personal information

We may need to transfer personal information to another country for processing or storage.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

We maintain physical, electronic and procedural safeguards in connection with the collection, storage and disclosure of personally identifiable information. Our security procedures mean that we may occasionally request proof of identity before we disclose personal information to you (even when the information is regarding yourself). When requested to provide information we ask that a non-disclosure agreement is signed to protect the personal information you may be exposed to.

Website users where necessary, and whether applicable now or in the future undertake not to use any username or passwords relating to any other person.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available:

9.1.1 on www.erinvale.com;

9.1.2 at the office of the ERINVALE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION for public inspection during normal business hours by appointment;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

The requester must complete (Annexure A) Form C (available from our Information Officer) and submit this form together with the prescribed fee to the Estate Administrator of Erinvale® Country Estate Homeowners' Association at his/her address, fax number or electronic mail address. Details of these fees are contained in the request form (Annexure B). 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.**

This form must:

- Provide sufficient particulars to enable the IO to identify the record/s requested and to identify the requester,
- indicate which form of access is required,
- specify a residential and postal address and fax number of the requester in the Republic,
- identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right,
- if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.
- In terms of PAIA [Section 56(3)(c)] a requester may lodge an application with a court, within 30 days of being informed of any decision of the Estate Administrator as representative of the Erinvale® Country Estate Homeowners' Association on any request, for relief against the refusal of the request, and the procedure (including the period) for lodging the application

10. UPDATING OF THE MANUAL

The Estate Administrator of the ERINVALE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION will on a regular basis update this manual.

Issued by

HELEN DOOLEY

CHIEF INFORMATION OFFICER

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)
-------------------------	--	--

*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 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. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R1,90 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹²

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 fees¹³

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 fee¹⁴ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee¹⁵ 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 request is not limited to records containing information which is personal to the requester and 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.¹⁶
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

¹² Section 52(3) and Regulation 1(1).

¹³ Section 54(7) and Regulation 11(3).

¹⁴ Section 54(1) and Regulation 11(2).

¹⁵ Annexure “A”, Part III, Item 4(1)(f).

¹⁶ Section 54(2).

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 R1,90 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:

	R
(a) For every photocopy of an A4-size page or part thereof.....	1,90
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.....	1,00
(c) For a copy in a computer-readable form on—	
(i) memory stick	25,50
(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, other than a personal 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.....	1,90
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.....	1,00
(c) For a copy in a computer-readable form on—	
(i) memory stick	25,50
(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.