

# **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

**In terms of section 14 of the Access to Information Act No 2 of 2000**

## **FOR**

### **Le Jardin Homeowners Association NPC**

## **Section A**

### **Contact details in terms of Section 51 of the Act**

The designated Information Officer who deals with all matters in connection with requests for information, in terms of the Promotion of Access to Information Act, No. 2 of 2000 is as follows -

Contact person: Suzan van Aswegen

Postal address: PO Box 1197, Muldersdrift, 1747

Physical address: Plot 69, Driefontein Road, Muldersdrift, 1747

Phone number: 011 668-3000

Fax number: 011 668-3060

E-mail: [suzan@avianto.co.za](mailto:suzan@avianto.co.za)

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## **Section B**

### **Introduction**

This manual is published in terms of Section 14 of the Promotion of Access to Information Act No 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution. The Constitution of the Republic of South Africa, Act No. 108 of 1996 stipulates that everyone has the right of access to any information held by the State, and any information that is held by another person that is required for the exercise or protection of any rights and that national legislation must be enacted to give effect to this right.

The Promotion of Access to Information Act gives effect to this constitutional right and came into effect on 9 March 2001. The object of the Act is to foster a culture of transparency and accountability in public and private bodies and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

### **South African Human Rights Commission**

Section 10 of PAIA provides that the South African Human Rights Commission must compile simple and easily comprehensible guidelines on how to use the Promotion of Access to Information Act. This guide is available for access and viewing in all languages at the South African Human Rights Commission offices Private Bag x2700, Houghton, 2041; Tel - 011 877 3600, Fax - 011 403 0625. Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Due to the fact that some private bodies (private bodies other than public companies in terms of section 20 of the Companies Act) have been temporarily exempted from publishing section 51 manuals the South African Human Rights Commission have not included the contact details of the private bodies in this first publication of the Guide. An electronic version of the Guide is kept on the website of the South African Human Rights Commission, [www.sahrc.org.za](http://www.sahrc.org.za) and is updated monthly to keep the public abreast of

developments and changes regarding the contact details of information officers of public bodies and general information on PAIA.

## **How to make a request for access to information**

A request for access to a record is made by completing a request "Form C" for private bodies. Form C is available on request from the Manor Maze Investments 2 offices, can be viewed at the end of this manual and can be obtained from the offices and website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za). The request forms must be completed and submitted to the head of the private body from whom access to a record is sought. The head of a private body must respond to the request within 30 days.

### **For further information on -**

- (a) How to make a request for access to information. See Section F of this manual.
- (b) The costs of requests for information from private bodies. See section E of this manual.

## **A copy of this manual is available for inspection at:**

The address of the business – Plot 69, Driefontein Road, Muldersdrift, 1747

The establishment website – [www.avianto.co.za](http://www.avianto.co.za)

The South African Human Rights Commission offices - Private Bag x2700, Houghton, 2041

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## **Section C The Business**

Business Name(s)	Homeowners Association
Type of Entity	Non-profit organization
Type of Business	Homeowners association
Location of Business	Muldersdrift
Contact details	Tel 011 668-3000, Fax 011 668-3060, email <a href="mailto:suzan@avianto.co.za">suzan@avianto.co.za</a>

### **Description of Business**

Type of business - The association is responsible for the effective management and running of the residential estate.

### **The Directors, Owners, Partners & Managers**

Director(s) of the Business	- Trevor D'Oliveira, Darin D'Oliveira and Neville Lang
Location of the Director(s)	- Plot 69, Driefontein Road, Muldersdrifts, 1747. Tel 011 668-3000

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## **Section D**

### **Information required by section 51(1)(d) of the Act Records are available in accordance with the following legislation -**

Companies Act  
Sectional Titles Act  
National Credit Act

### **Records that may be requested in terms of Section 51(1)(c)**

The following general information is available in the public domain and does not require an official request in terms of the Act.

The following information is available from our Information Officer and or from our website at [www.....](http://www.....)

- Brochures
- Prices
- Packages and Promotions
- Products and services
- Location and directions
- Contact details

### **Records that may be requested in terms of Section 51(1)(e)**

Request forms (Form C) and the fees payable for these categories of information are available on the South African Human Rights Commission website at [www.sahrc.org.za](http://www.sahrc.org.za), in this manual and also available from our Information Officer, whose contact details appear in Section A and Section G of this manual.

#### **Company Secretarial / Legal**

- General contracts
- Statutory records
- Incorporation documents
- Building plans and or alterations
- Construction contracts and architectural drawings
- Insurance details
- Minutes of meetings
- Title Deeds
- Organogram
- Management Agreements
- Leases

#### **Financial**

- Audited financial statements
  - Taxation records
  - Debtor records and agreements
  - Creditor records and agreements
  - Auditor reports
  - Asset register
  - Management accounts
  - Banking details
  - Insurance documentation
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## Section E

### Fees payable on request of information from Private Bodies

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002

1.	The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 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)		
			R 50,00
4.	The access fees 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
		(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form
		(c)	For a copy in a computer-readable form on -
		(i)	stiffy disc
		(ii)	compact disc
		(d)	(i) For a transcription of visual images, for an A4-size page or part thereof
			(ii) For a copy of visual images
		(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof
			(ii) For a copy of an audio record
		(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;
		(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.	

## Section F

### Prescribed request form – how to request a record in terms of Section 53

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the information officer, or the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
  - The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
  - The requester must identify the right that he or she 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 a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
  - The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request. The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
  - If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The head of the private body will then make a decision on the request and notify the requester in the required form.
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## Section G

### 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)

##### A. Particulars of private body

Contact person: Suzan van Aswegen

Postal address: PO Box 1197, Muldersdrift, 1747

Physical address: Plot 69, Driefontein Road, Muldersdrift 1747

Phone number: 011 668-3000

Fax number: 011 668-3060

E-mail: [suzan@avianto.co.za](mailto:suzan@avianto.co.za)

##### B. Particulars of person requesting access to the record

- |  |
|--|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
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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
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**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
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**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*
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**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)
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**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)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>	YES	NO
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**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