



**GARLINGTON HOMEOWNERS ASSOCIATION NPC
REGISTRATION NO. 2006/038584/08**

**MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

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1 INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

Designated Head of Garlington HOA: Karen Isabella Earle

Postal Address of Garlington HOA: Private Bag X6009, Hilton, 3245

Street Address of Garlington HOA: Seeking Drive, Hilton, 3201

Tel. No of Garlington HOA: 033 329 5001

Fax. No of Garlington HOA: N/A

E- Mail address of Garlington HOA: gm@garlington.co.za

Person delegated to deal with requests: Sue-Ann Smith

E-mail address of the delegated designated head: secretary@garlington.co.za

2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Information Regulator of South Africa office at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. [↵](#)

For further information please contact the Information Regulator of South Africa:

Postal Address: PO Bix 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za.

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION : SECTION 51(1)(d)

Records available in terms of other legislation are as follows:

Administration of Estates Act, No. 66 of 1965

Basic Conditions of Employment Act No. 75 of 1997

Bills of Exchange Act 34 of 1964

Broad-based Black Economic Empowerment Act 53 of 2003

Companies Act No 71 of 2008 and Applicable Regulations

Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993

Community Scheme Ombud Service Act 9 of 2011

Electronic Communications and Transactions Act No 25 of 2002

Employment Equity Act. No. 55 of 1998

Financial Intelligence Centre Act No. 38 of 2001.

Income Tax Act No 95 of 1967

Labour Relations Act No 66 of 1995

Nonprofit Organisations Act No. 71 of 1997
Occupational Health and Safety Act No. 85 of 1993
Promotion of Access to Information Act No.2 of 2000
Skills Development Act 97 of 1998
Skills Development Levies Act No 9 of 1999
Unemployment Insurance Act No. 63 of 2001
Unemployment Insurance Contributions Act No 4 of 2002
Value Added Tax Act No 89 of 1991

3 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the practice to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

4 SUBJECTS AND CATEGORIES OF RECORDS HELD BY GARLINGTON HOA

General information about Garlington Homeowners Association can be accessed via the internet on www.garlington.co.za, which is available to all persons who have access to the internet.

Garlington Homeowners Association is a Non-Profit company that administers all aspects of the Garlington residential community and serves the best interests of its members.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

1. COMPANIES ACT RECORDS

- Documents of Incorporation;
- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Shareholders;
- Proxy forms
- Special resolutions/Resolutions passed at General and Class meetings.

2. FINANCIAL RECORDS

- Accounting Records
- Annual Financial Statements
- Asset Registers;
- Bank Statements
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Policies and procedures;

- Rental Agreements;
- Investment records and
- Tax Returns.

3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Accident books and records;
- Disciplinary Code and Records;
- Employment Contracts;
- Grievance Procedures;
- Leave Records;
- Payroll reports/ Wage register;
- Salary Records;

5. SAFETY, HEALTH AND ENVIRONMENT

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans

6. IT DEPARTMENT

- Computer / mobile device usage policy documentation;
- Information usage policy documentation; and
- Software licensing;

5 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

The purpose of processing of personal information is to confirm and verify identity for security purposes and to carry out our obligations arising from any contract entered into by the Garlington Homeowners Association.

6 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

Residents: record of personal information as maintained by the GHOA

Employees: record of employee life cycle

Suppliers: record of supplier life cycle

7 PLANNED RECIPIENTS OF PERSONAL INFORMATION

Personal information will be shared with our service providers who are involved in the delivery of products or services to residents. Where we believe it is necessary to protect our rights.

Statutory authorities

Law enforcement

Tax authorities

8 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

Flows to online data backup service providers.

9 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

Physical security measures

Cyber security measures

Training in information security

Policies in information security

Audits of information security

10 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51 (e)

The requester must complete Form C, as attached in terms of Article 8 of this manual and submit this form together with a request fee, to the head of the Garlington Homeowners Association. The form must be submitted to the head of the Garlington Homeowners Association at the address or electronic mail address as stated earlier in this manual.

Form of request:

- The requester must provide sufficient detail to enable the designated head to identify the record/s requested and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].

- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated 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 [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Grounds for refusing a request

The Garlington Homeowners Association has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

11 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the office of the Garlington Homeowners Association free of charge; from the SAHRC.



Signature of Designated Head of the Private Body

Karen Earle

Name of Designated Head of the Private Body

(Note: each page should be initialled to complete the signing process).

Date of signature 01 July 2021

Publication date of this manual: 01/07/2021

Next revision date of this document: N/A

12 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

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. (a) For every photocopy of an A4-size page or part thereof R1,10
 - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0, 75
 - c. (c) For a copy in a computer-readable form on - (i) stiffy disc R 7, 50; (ii) compact disc R 70,00
 - d. (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. (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 R50,00.
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 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
 - 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.

13 FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of 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 (name of body): _____

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: _____

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.

Mark the appropriate choice with an X.

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 file)
- 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 _____

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

14 FORM E: AUTOMATICALLY AVAILABLE RECORDS

FORM E

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 52 of the Promotion of Access to Information Act, 2000

(Act 2 of 2000))

[Regulation 9A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 52(1)(b))
FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):	
.....
FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):	
.....
FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii):	
.....
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii):	
.....