

THE PROMOTION OF ACCESS TO INFORMATION MANUAL



EAGLE CANYON HOME OWNERS' ASSOCIATION NPC

REGISTRATION NUMBER 2003/012328/08

**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: CONTACT DETAILS

Name of Private Body	Eagle Canyon Home Owners Association NPC
Head of Private Body	The Chairperson of the Board of Directors as elected from time to time
Information Officer (IO)	Garreth Elston
Email Address of IO	estmgr@echoa.co.za
Deputy IO	Lauren Jardien
Email Address of Deputy IO	finmgr@echoa.co.za
Postal Address	Postnet Suite 260 Private Bag X11 Honeydew 2040
Physical Address	Blueberry Road Honeydew 2040
Phone Number	011 795 2799

2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

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 South Africa, *inter alia*, at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001:

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017
Tel Number: 010 023 5200
Email: PAIACompliance@inforegulator.org.za

3 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation are as follows:

- Basic Conditions of Employment Act No. 75 of 1997
- Community Schemes Ombud Service Act 9 of 2011
- Companies Act No 71 of 2008 and Applicable Regulations
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Income Tax Act No 58 of 1962
- 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
- Protection of Personal Information Act 4 of 2013
- Sectional Titles Schemes Management Act 8 of 2011
- South African Revenue Services Act 34 of 1997
- Skills Development Act 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

4 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.

5 SUBJECTS AND CATEGORIES OF RECORDS HELD BY EAGLE CANYON HOME OWNERS' ASSOCIATION NPC

General information about EAGLE CANYON HOME OWNERS ASSOCIATION NPC can be accessed via the internet on www.organisationname.co.za, which is available to all persons who have access to the internet.

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

- All trust deeds
- Documents of Incorporation
- Index of names of members of Close Corporation
- Memorandum of Incorporation
- Minutes of meeting of the Board of Directors
- Minutes of meetings of Shareholders
- Proxy forms
- Register of debenture-holders
- Register of directors' shareholdings
- Research and development
- Share certificates; and
- Share Register and other statutory registers and/or records and/or documents
- Special resolutions/Resolutions passed at General and Class meetings

Records relating to the appointment of:

- Auditors
- Directors
- Prescribed Officer
- Public Officer; and
- Secretary

2. FINANCIAL RECORDS

- Accounting Records
- Annual Financial Reports
- Annual Financial Statements
- Asset Registers
- Bank Statements
- Banking details and bank accounts
- Banking Records
- Debtors / Creditors statements and invoices
- General ledgers and subsidiary ledgers
- General reconciliation
- Invoices
- Paid Cheques
- Policies and procedures
- Rental Agreements
- 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
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Accident books and records
- Address Lists
- Disciplinary Code and Records
- Employee benefits arrangements rules and records
- Employment Contracts
- Employment Equity Plan
- Forms and Applications
- Grievance Procedures
- Leave Records
- Medical Aid Records
- Payroll reports/ Wage register
- Pension Fund Records
- Safety, Health, and Environmental records
- Salary Records
- SETA records
- Standard letters and notices
- Training Manuals
- Training Records
- Workplace and Union agreements and records

5. PROCUREMENT DEPARTMENT

- Standard Terms and Conditions for supply of services and products
- Contractor, client, and supplier agreements
- Lists of suppliers, products, services, and distribution; and
- Policies and Procedures

6. SALES DEPARTMENT

- Customer details
- Credit application information
- Information and records provided by a third party

7. MARKETING DEPARTMENT

- Advertising and promotional material

8. Risk Management and Audit

- Audit reports
- Risk management frameworks
- Risk management plans

9. SAFETY, HEALTH, AND ENVIRONMENT

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans
- Inquiries, inspections, examinations by environmental authorities

10. IT DEPARTMENT

- Computer / mobile device usage policy documentation
- Disaster recovery plans
- Hardware asset registers
- Information security policies/standards/procedures
- Information technology systems and user manuals
- Information usage policy documentation
- Project implementation plans
- Software licensing
- System documentation and manuals

6 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

- To support the administration of residents
- To support the administrators of visitors
- To support the administration of contractors
- To support the administration of suppliers
- To support engagement with suppliers
- To support engagement with the general public
- To support recruitment and management of staff
- To support engagement with investors and the media
- To residents for any/all matters relating to the Estate
- Circulating SMS and Email notifications for matters that strictly pertain to the Estate
- Sending out contravention notices in the event of any contravention of the Conduct Rules of the Estate
- Circulating regular newsletters

7 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

- Residents: record of residents life cycle
- Visitors: record of visitors life cycle
- Contractors: record of contractors life cycle
- Suppliers: record of supplier life cycle

- Employees: record of employee life cycle

8 PLANNED RECIPIENTS OF PERSONAL INFORMATION

- Statutory authorities
- Law enforcement
- Tax authorities
- Financial institutions
- Medical schemes
- Employee pension and provident funds
- Industry bodies

9 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

- Flows to service providers/operators
- Flows to business partners
- Flows to overseas homeowners
- Flows through the use of social media

10 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Physical security measures
- Cyber security measures
- Training in information security
- Policies in information security
- Audits of information security
- Any particular security framework implemented

11 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

11.1 PAIA FORM 02: 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 (7), Form 02 should be used to request access to a record held by a Public or Private body in terms of PAIA. Form 02 can be downloaded from the Information Regulator website under Documents/Forms. It can also be downloaded using the link below.

Form 02: Request for Access to Record:

<https://inforegulator.org.za/paia-forms/>

Please note: Do not use Form 02 for personal information requests (Data Subject Requests). The appropriate form for these requests is described in point 14.2 below.

11.2 POPIA FORM 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24 (1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

In terms of the Protection of Personal Information Act of 2013, Section 24 and the Regulations relating to the Protection of Personal information, 2017, [Regulation 3(2)] Form 2 should be used to raise requests for the correction or deletion of personal information, or destroying or deletion of record of personal information. Form 2 is available on the Information Regulator website under Documents/Forms. It can be downloaded using the link below:

Form 2: Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information

<https://inforegulator.org.za/popia-forms/>

Grounds for refusing a request

EAGLE CANYON HOME OWNERS' ASSOCIATION NPC has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

12 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the office of **EAGLE CANYON HOME OWNERS ASSOCIATION NPC** free of charge.

GARRETH ELSTON

Name of Designated Head of the Private Body

Publication date of this manual: 01/02/2024

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13 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. For every photocopy of an A4-size page or part thereof R1,10
 - b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - c. For a copy in a computer-readable form on –
 - (i) USB Flash Drive R 7, 50;
 - (ii) DVD R 70,00
 - d. (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00,
(iii) 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 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) USB Flash Drive R 7,50; (ii) DVD 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.