



WINELANDS

ESTATE

INFORMATION MANUAL OF WINELANDS ESTATE HOMEOWNERS ASSOCIATION

Prepared in accordance with Section 51 of the
Promotion of Access to Information Act 2 (PAIA) of 2000

JUNE 2021

PLEASE NOTE
THIS DOCUMENT SHOULD BE READ IN CONJUNCTION WITH:
**WEHOA, Relevant Policies, Rules and
Regulations**

 Winelands Estate, R45,
Simondium, Paarl
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 manager@winelands.estate
 www.winelands.estate

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IMPORTANT NOTE

This document consists of 28 pages including the cover pages.

INTRODUCTION TO THIS PRIVATE BODY

Winelands Estate (the “**Estate**”) is a residential estate located in Paarl in South Africa. Winelands Estate Homeowners’ Association (the “**Association**”) is constituted as a statutory body in terms of Section 29 of the Western Cape Land Use Planning Act, No. 3 of 2014, and established to manage, administer, promote, advance and protect the Estate and the interests of property owners in the Estate.

The Promotion of Access to Information Act, No. 2 of 2000, (“**PAIA**”) came into operation on 23 November 2001. Section 51 of PAIA requires that the Association, as a private body, compile a manual regarding the procedure to be followed in respect of members of the public requesting information from us for the purpose of exercising or protecting their rights (as envisaged in PAIA).

The Association, as a private body, has compiled this manual, not only to comply with the provisions of PAIA, as read with the applicable provisions of the Protection of Personal Information Act, No. 4 of 2013 (“**POPI**”), but also to foster a culture of transparency and accountability in our environment and to ensure that third parties have effective access to information in our possession which will assist them in the exercise and protection of their rights.

This manual contains the categories of information which we possess and the correct procedure to follow should any person require access to any of this information.

A copy of this manual is also available on our website, which website details is stipulated in **Section A** below.

SECTION A – OUR DETAILS

Full Name : Winelands Estate Homeowners Association

Physical Address : R45, Simondium, Paarl, Western Cape

Postal Address : PO Box 182, Simondium, 7670

Telephone Number : (021) 286 4580

Estate Manager : manager@winelands.estate

Designated Information Officer : Roan Burger

manager@winelands.estate

(021) 286 4580

Website : <https://winelands.estate/>

SECTION B – THE OFFICIAL GUIDE

In accordance with Section 10 of PAIA, the South African Human Rights Commission (“**SAHRC**”) has published a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA (the “**Guide**”). This Guide appears on the SAHRC’s website (www.sahrc.org.za) and contains the following information:

- 3.1. Section 1 – Introduction to the PAIA Guide.
- 3.2. Section 2 – Finding the information that you need.
- 3.3. Section 3 – How to Make a Request for Access to Information (this includes details of the fees to be paid and explains your remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application).
- 3.4. Section 4 – When access to information can / may be refused.
- 3.5. Section 5 – Key references and other useful information.

Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Head Office: South African Human Rights Commission Braampark Forum 3

33 Hoofd Street Braamfontein

Telephone: (011) 877-3600

Website: www.sahrc.org.za

E-mail: mnyuswa@sahrc.org.za

SECTION C – INFORMATION AVAILABLE IN TERMS OF PAIA

1. Categories of information

We **may** (but do not necessarily) hold the following categories of information, which list is not exhaustive:

CORPORATE INFORMATION

- (i) A copy of the Association's constitution and any amendments or alterations thereto from time to time.
- (ii) A copy of any rules and/or regulations adopted by the Association.
- (iii) A record of our trustees.
- (iv) Copies of reports presented at annual general meetings of the Association.
- (v) Notices of all members' meetings.
- (vi) Minutes of all members' meetings.
- (vii) All resolutions adopted by members and any documents made available by the Association to the members in relation to their resolutions.
- (viii) Copies of written communications sent generally by the Association to members.
- (ix) Minutes of all meetings of trustees, or trustees' committees, or the audit committee (if any).
- (x) Resolutions of trustees, or trustees' committees, or the audit committee (if any).
- (xi) Members' register.
- (xii) A record of our company secretaries and auditors (if any), including:
 - (a) the name of each such person; and
 - (b) the date of each of their appointments.
- (xiii) Budget of the Association

(b) ACCOUNTING RECORDS

- (i) Copies of the Association's Annual Financial Statements, including:
 - (a) the auditor's report if the Annual Financial Statements are audited; and
 - (b) the trustees' report.

- (ii) Copies of accounting records and books of account, including journals and ledgers.
- (iii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

(c) MEMBERS

- (i) Title Deeds.
- (ii) House plans.
- (iii) Utility account details.
- (iv) Levy account details.
- (v) Personal registration details.
- (vi) Access and egress details.
- (vii) Registration of contractors and domestic workers.
- (viii) Ownership details and votes.
- (ix) Litigation and all other legal proceedings (including alternative dispute resolution processes) between members and the Association and debt collection.
- (x) Vehicles, watercraft and motorcycle registration details.
- (xi) Members' files.
- (xii) Property sales and leases, clearance information and transfer documents.

(d) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations.
- (ii) Time worked by each employee.
- (iii) Remuneration paid to each employee.
- (iv) Identity numbers and/or date of birth of each employee.
- (v) Wages register.
- (vi) Attendance register.
- (vii) Salary and wages register.
- (viii) Records of foreign employees.

- (ix) Collective bargaining agreements (if any) and any records required in terms thereof.
- (x) Arbitration awards (if any) and any records required in terms thereof.
- (xi) Determinations made in terms of the Wage Act (if any) and any records required in terms thereof.
- (xii) Records of strikes, lockouts or protest action (if any).
- (xiii) Industrial training records.
- (xiv) Staff records (after date of employment ceases).
- (xv) Expense accounts.
- (xvi) Tax returns of employees.

(e) OTHER EMPLOYEE RECORDS

- (i) Employee contracts.
- (ii) Incentive schemes.
- (iii) Staff loan schemes.
- (iv) Study assistance schemes.
- (v) Maternity leave policy.
- (vi) Funeral insurance scheme.
- (vii) Code of conduct.

(f) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Records of waste water discharges.
- (ii) Records of risk assessments and monitoring results in respect of hazardous biological agents.
- (iii) Safety management systems, data and audits.
- (iv) Employee public health emergency action plans.
- (v) Emergency response plans.
- (vi) Environmental impact assessments.

(vii) Environmental management programs and systems.

(viii) Environmental authorisations.

(g) IMMOVABLE PROPERTY

(i) Title deeds.

(ii) Leases.

(iii) Building plans.

(iv) Mortgage Bonds or other encumbrances to fixed property.

(h) MOVABLE PROPERTY

(i) Asset register.

(ii) Finance and lease agreements.

(iii) Notarial bonds.

(iv) Deeds of pledge.

(i) AGREEMENTS AND CONTRACTS

(i) Agreements with members, officers or trustees.

(ii) Acquisition or disposal documentation.

(iii) Agreements with contractors, service providers and suppliers.

(iv) Warranty agreements.

(v) Sale agreements.

(vi) Restraint agreements.

(vii) Agreements with governmental agencies.

(viii) Purchase or lease agreements.

(j) TAXATION

(i) Copies of all Income Tax Returns and other tax returns and documents.

(k) LEGAL

(i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation.

- (ii) Settlement agreements.
- (iii) Material licenses, permits and authorisations.

(l) INSURANCE

- (i) Insurance policies.
- (ii) Claim records.
- (iii) Details of insurance coverages, limits, and insurers.

(m) TRANSPORTATION

- (i) Permits.

(n) INFORMATION TECHNOLOGY

- (i) Hardware.
- (ii) Operating systems.
- (iii) Telephone exchange equipment.
- (iv) Telephone lines leased lines and data lines.
- (v) LAN installations.
- (vi) Software packages.
- (vii) Disaster recovery.
- (viii) Internal systems support and programming / development.
- (ix) Capacity and utilization of current systems.
- (x) Development or investment plans.
- (xi) Licenses.
- (xii) Audits.

(o) MARKETING

- (i) Brochures, newsletters, and advertising materials.
- (ii) Public relations policies and procedures.

(p) COMMUNITY AND STAKEHOLDER ENGAGEMENT

- (i) Social and labour plan.

(q) SECURITY

- (i) Biometrics registration, access, and egress details.
- (ii) CCTV footage.
- (iii) Employment information.
- (iv) Standard Operating Procedures.

(r) MANAGEMENT

- (i) Trustees' meetings minutes and resolutions.
- (ii) Management meetings minutes.
- (iii) Staff meetings minutes.
- (iv) Official correspondence with members and residents.
- (v) Official correspondence with debtors and creditors.
- (vi) Official correspondence with service providers.
- (vii) Official correspondence with auditors, attorneys and financial institutions.
- (viii) Legal proceedings between the Association and second parties, including alternative dispute resolution proceedings.
- (ix) Occupational Health and Safety Act, No. 85 of 1993, File and Reports / findings.
- (x) Maintenance schedules and checklists.
- (xi) Registration details and contracts with Estate Agents.
- (xii) Developer agreements and contracts.
- (xiii) Health and Safety Registers.
- (xiv) Utility records including sewage plant reports, electrical reticulation boxes, water testing reports, water / electricity usage and readings.
- (xv) Correspondence with Government departments.

2. Procedure for requesting access to information

If you wish to request access to any information held by the Association, you are required to complete a request form in substantially the form as set out in **Annexure "A"** hereto. This form is also available

from:

- the information officer (whose contact details are stipulated in **Section A** of this manual);
- the SAHRC website (whose contact details are stipulated in **Section B** of this manual);

The completed form must be sent to the information officer via email, to his/her designated email address stipulated in **Section A** of this manual.

There is a prescribed fee (payable in advance) for requesting and accessing information, as contemplated in PAIA. Details of these fees are contained in the request form and in **Annexure "B"** hereto.

You may also be called upon to pay the additional fees prescribed by PAIA for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must clearly identify/include the following in the form:

- the information to which access is requested;
- the form of access which is requested, including which form is required in the case of any disabilities;
- the identity of the requester;
- the right you are seeking to exercise or protect and the reasons why access to the record is required to exercise/protect such right.

The Association shall process the request for access within 30 (thirty) days from receipt thereof, except if one of the circumstances as contemplated in Section 57(1) of PAIA applies, in which instances the processing of the request can be extended by a further 30 (thirty) days.

Once the request has been processed, the Association shall inform the requester whether his/her/its request for access to the records of the Association has been granted or denied. If such request is denied, the notice of such denial shall contain the reasons/grounds upon which such request is denied and shall confirm that the requester may lodge an application with the relevant court to appeal such decision.

Should any request be made on behalf of another person, the relevant sections of the request form must be completed and proof of the capacity in which such request is made on behalf of such person must be provided.

3. Grounds for refusal of access

The main grounds upon which access to the information held by the Association may be refused, includes, but is not limited to, the following (as subject to the provisions of Chapter 4 of PAIA):

- if such access would result in an unreasonable disclosure of the personal information of a third party (including deceased persons);
- if the record contains a third party's:

- (i) trade secrets;
 - (ii) financial, scientific, commercial or technical information;
 - (iii) information which was supplied in confidence;
- if such access would constitute a breach of a duty of confidence owed to a third party;
 - if such access could reasonably be expected to endanger the life or physical safety of an individual, or could likely prejudice or impair the security of a building/structure/system, a property, means of transport, the safety of the public etc.;
 - if such record is privileged from production in legal proceedings, unless the person entitled to such privilege has waived the privilege;
 - if such record contains the Association's:
 - (i) financial, scientific, commercial or technical information;
 - (ii) information which if disclosed would put it in a disadvantage in respect of contractual or other negotiations;
 - (iii) computer programs;
 - if such record relates to research information of the Association or a third party, which if disclosed will disclose the third party, the person carrying on the research or the research subject matter, to a serious disadvantage.

4. Remedies Available

Should a request for access to the information held by the Association be denied, a requester who is dissatisfied with such denial, can within 30 (thirty) days from such request being denied approach a relevant court for appropriate relief.

The Association does not have internal appeal remedies to be followed should a requester be dissatisfied with a refusal to access to the information held by the Association.

SECTION D – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to the Association's operations, information may also be available in terms of certain provisions of the following statutes. Unless disclosure is prohibited, records that are required to be made available in terms of these statutes shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA, the below-mentioned legislation and applicable internal policies and procedures should such interested parties be entitled to such information. A request for access to such documents must be made in accordance with PAIA and the procedure described above. For the avoidance of doubt, the accessibility of such documents and records may be subject to the grounds of refusal set out in PAIA:

- Administration of Estates Act No. 66 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Estate Agency Affairs Act No. 112 of 1976
- Estate Duty Act No. 45 of 1955
- Explosives Act No. 26 of 1956
- Financial Intelligence Centre Act No. 38 of 2001
- Firearms Control Act No. 60 of 2000
- Home Loan and Mortgage Disclosure Act No. 63 of 2000
- Housing Act No. 107 of 1997
- Housing Development Agency Act No. 23 of 2008
- Immigration Act No. 13 of 2002
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995

- Liquor Act No. 59 of 2003
- Long-term Insurance Act No. 52 of 1998
- Machinery and Occupational Safety Act No. 6 of 1983
- National Credit Act No. 34 of 2005
- National Environmental Management Act No. 107 of 1998
- National Environmental Management Integrated Coastal Management Act No. 24 of 2008
- National Environmental Management Waste Act No. 59 of 2008
- National Payment System Act No. 78 of 1998
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Older Persons Act No. 13 of 2006
- Prescription Act No. 68 of 1969
- Prevention of Organised Crime Act No. 121 of 1998
- POPI (please see the Association's POPI Policy for further details in this regard, a copy of which is available on a written request therefor, addressed to the information officer of the Association)
- Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002
- Road Transportation Act No. 74 of 1977
- Second-Hand Goods Act No. 6 of 2009
- Sectional Titles Act No. 95 of 1986
- Securities Services Act No. 36 of 2004
- Security Officers Act No. 92 of 1987
- Short-term Insurance Act No. 53 of 1998
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999

- South African Police Service Act No. 68 of 1995
 - South African Schools Act No. 84 of 1996
 - Transfer Duty Act No. 40 of 1949
 - Unemployment Insurance Act No. 63 of 2001
 - Value-Added Tax Act No. 89 of 1991
-

SECTION E – INFORMATION AUTOMATICALLY AVAILABLE

The following categories of records are automatically available for inspection, purchase, or photocopying, as the case may be, to those categories of persons recorded below.

Requests for access to these categories of information must also be made to our information officer, whose contact details appear in **Section A** of this manual.

	Category of Persons	Information Automatically Available
1.	Members of the Association	Those records of the Association, which, in terms of the Association's constitution, are open to inspection by its members, subject to the terms of the Association's constitution from time to time.
2.	General Public	Newsletters, booklets, pamphlets/brochures, reports, posters and other literature intended for public viewing, typically those documents disclosed on our website.

SECTION F - PROCESSING OF PERSONAL INFORMATION

The Association is committed to complying with the provisions of POPI in relation to its processing of personal information.

The Association has adopted a POPI Policy which describes how and why we collect, store, use, share or otherwise process personal information. It also explains data subjects' (as such term is defined in POPI) rights in relation to their personal information and how to contact us if they have a question or complaint. A copy of the Association's POPI Policy is available on a written request therefor, addressed to the information officer of the Association.

Section 51 of PAIA requires that this manual also addresses certain aspects insofar as POPI is concerned.

If there is a conflict between any provision of this manual and a provision of the POPI Policy, the provisions of both documents shall apply concurrently, to the extent that it is possible to apply and comply with one of the inconsistent provisions without contravening the second; and to the extent that it is impossible to apply and comply with one of the inconsistent provisions without contravening the second, the provisions of the POPI Policy shall prevail, except to the extent that this manual expressly provides otherwise.

5. Purpose of the processing

In addition to any personal information listed in **Section C** of this manual, the Association may collect and process the following information for the purposes described below:

Information Type	Reasons why we may use this
Identification information: such as your name, photograph, passport number, national identification number, biometric information, gender, date of birth, vehicle registration number, vehicle license and driving license, employment information.	To verify your identity to, <i>inter alia</i> , enable you to enter the Estate, to provide services to you, undertake adequate security and monitoring measures, comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.
Contact information: such as, email address; telephone number; physical address; erf number	To contact you with information relevant to you as a resident / supplier of the Estate and/or its residents; to keep you informed about our activities and updates, to respond to any queries and requests, to manage and resolve any commercial or legal complaints or issues, to carry out planning and forecasting activities, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.

<p>Contact and payment information and other information of suppliers / contractors / service providers: such as, name; email; telephone number; address, payment, and bank details</p>	<p>To enable us to procure products and services from you, to keep you informed about our activities and updates, to respond to any queries and requests, to carry out market analysis and research, to carry out planning and forecasting activities, for other internal business processes, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.</p>
<p>Contact and other information of our trustees, staff (past/present) and/or prospective employees: contact details, employment history, references, vetting information, financial information including banking details, IT information and other information relating to employment (e.g.: leave; appraisals etc.)</p>	<p>To enable you to carry out your role/duties, to carry out our contract with you, monitor your performance and compliance with our policies/standards/procedures, provide you with training and benefits and provide remuneration, to comply with our legal and contractual obligations, and otherwise for our legitimate interests or those of a third party.</p>
<p>Information obtained during your visit to the Estate: such as, CCTV images; car registration information; access records and registration details.</p>	<p>To allow you access to our Estate in line with our security policies and procedures and to manage and resolve any legal or commercial complaints or issues, including security practices.</p>

6. Categories of data subjects and the information relating thereto

The Association may collect and process the personal information of the following categories of data subjects:

- Members (natural persons), their family members, guests, service providers and employees;
- Members (juristic persons) and their governing bodies;
- Estate management and employees;
- Service providers, suppliers and advisors;
- Users of the Estate's website and other social media platforms; and
- Other persons who enter the Estate or otherwise have dealings with the Estate.

Please refer to the table above for examples of the kinds of information collected from these data subjects.

7. Recipients or categories of recipients to whom the personal information may be supplied

Depending on the circumstances, we may disclose personal information to the following categories of persons:

- Auditors, legal and other professional advisers and consultants of the Estate or other third parties who help us deliver our services, including the Estate's managing agents and all committees of the Association;
- Information Technology service providers and other service providers who help us run the Estate or otherwise manage or store the personal information;
- Government and law enforcement authorities;
- Financial institutions;
- Other third parties where disclosure is required by law or otherwise required for us to perform our obligations and provide our services; and
- To any other person with your consent to the disclosure.

8. Planned transborder flows of personal information

The Association may transfer data outside of South Africa in order to store data with third party cloud storage providers. The Association will only transfer personal information to other countries if required to perform our obligations and/or provide our services or if required in the circumstances (for example: where members of the Association do not reside in South Africa). In this case the Association will only do so in accordance with POPI and other relevant legislation, or if the data subject consents to the transfer of personal information to another country.

9. Information security measures

The Association employs several means to ensure the confidentiality, integrity and availability of your personal information in its possession, including but not limited to the following security measures:

- Limiting access to information to those persons who require access to the information in accordance with the purpose for the processing of that information.
- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure.

- Outsourced Service Providers who process Personal Information on behalf of the Association are contracted to implement security controls.
-

SECTION G - FURTHER INFORMATION

Should any further information be required in relation to this manual or access to the information held by the Association, please contact the Association and/or the information officer at the contact details contained in **Section A** above.

The Association reserves the right to vary, change, amend and/or replace this manual from time-to-time, if the law or its practices require such change and shall publish such updated manual on its website and make same available at its physical address and/or on request therefor from the information officer at the contact details contained in **Section A** above.

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:			
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record		
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> 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 Winelands Estate thisday 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. If none of the exemptions contained in Government Notice GN R.991 dated 14 October 2005 apply (a copy of which is also attached for your reference), the following charges are payable:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

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 fees²

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 fee³ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester.
- 4.2 A search fee⁴ 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 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.⁵
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

(vii) PART III - FEES IN RESPECT OF PRIVATE BODIES

¹ Section 52(3) and Regulation 11(1).

² Section 54(7) and Regulation 11(3).

³ Section 54(1) and Regulation 11(2). See also paragraph 6 of Part 1 of this work.

⁴ Annexure "A", Part III, Item 4(1)(f).

⁵ Section 54(2).

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:

	R
(a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(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, 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.....	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc.....	7,50
(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.	

GN R.991 of 14 October 2005: Exemptions and determinations for purposes of section 22 (8)

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22 (8) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereby—

- (a) exempt the following persons from paying the access fee contemplated in section 22 (6) of the Act:
 - (i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 712,00 per annum; and
 - (ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R27 192,00 per annum, and
- (b) determine that—
 - (i) where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fee does not apply;
 - (ii) the access fee contemplated in section 22 (6) of the Act does not apply to the personal record of a requester; and
 - (iii) the request fee contemplated in section 22 (1) of the Act and the access fee contemplated in section 22 (6) of the Act do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

SCHEDULE

For purposes of paragraph (a) (i) and (ii) of the notice the following deductions are permissible:

- (a) Employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
- (b) contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act No. 4 of 2002);
- (c) compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee;
- (d) contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18 (1) (a) of the Income Tax Act, 1962 (Act No. 58 of 1962);

- (e) contributions to pension funds in terms of section 13A of the Pension Funds Act, 1956 (Act No. 24 of 1956);
- (f) rent or mortgage instalments to the maximum of R12 000,00 per annum;
- (g) maintenance paid in terms of a court order; and
- (h) school fees, except school fees paid to a private school.

B.S. MABANDLA, MP
Minister for Justice and Constitutional Development

SIGN OFF

The signatories hereof, confirm their acceptance of the contents and recommend the adoption of this policy thereof.

DESIGNATION	SIGNATURE	DATE SIGNED
POLICY OWNER TRUSTEES		
DATE OF REVIEW		
DATE OF APPROVAL		