



**MOUNT EDGECOMBE**  
COUNTRY CLUB ESTATE

Mount Edgecombe Country Club Estate Management Association II (RF) NPC

Registration No. 1995/012432/08

P O Box 1885, Mount Edgecombe, 4301

Tel: (031) 502 5360 Fax: (031) 502 5363 Website: [www.mountedgecombe.com](http://www.mountedgecombe.com)

**Mount Edgecombe Country Club Estate  
Management Association II (RF)**

**(Registration Number: 1995/012432/08)**

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Manual in terms of Section 51 of the Promotion of Access to  
Information Act 2000, (Act No. 2 of 2000)

## Table of contents

	<i>Page</i>
Preamble .....	3
Introduction to this private body .....	4
Section A – Our details .....	5
Section B – The official Guide.....	6
Section C – Information available in terms of PAIA.....	7
Section D – Information available in terms of other legislation .....	14
Section E – Information automatically available .....	17
Section F - Processing of Personal Information .....	18
ANNEXURE “A” .....	21
ANNEXURE “B” .....	25
ANNEXURE “C” .....	28

## **Preamble**

The Promotion of Access to Information Act 2 of 2000 (**PAIA**) came into operation on 23 November 2001. Section 51 of PAIA requires that we as a private body compile a manual giving information to the public (being all third parties, including our members) regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

## **Introduction to this private body**

Mount Edgecombe country Club Estate Management Association 2 (the **Estate**) is a gated residential estate located in Mount Edgecombe in South Africa. Mount Edgecombe Country Club Estate Homeowners' Association NPC (the **Association**) is a non-profit company with members established to manage, administer, promote, advance and protect the Estate and the interests of property owners in the Estate.

We as a private body have 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 4 of 2013 (**POPI**), but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public (including members of the Association) have effective access to information in our possession which will assist them in the exercise and protection of their rights.

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.

## **Section A – Our details**

Full Name : Mount Edgecombe Country Club Estate Management Association  
2 NPC

Physical Address : 1 Fairways Reach, Mount Edgecombe, 4301

Postal Address : P.O. Box 1885, Mount Edgecombe, 4301

Telephone Number : (031) 502 5360

CEO : Desiree Stone  
031-5025360  
desiree@mountedgecombe.com

Designated Information Officer : Desiree Stone  
031-5025360  
desiree@mountedgecombe.com

Website : [www.mountedgecombe.com](http://www.mountedgecombe.com)

## **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. This Guide appears on the South African Human Rights Commission's website ([www.sahrc.org.za](http://www.sahrc.org.za)) and contains the following information:

1. Section 1 – Introduction to the PAIA Guide.
2. Section 2 – Finding the information that you need.
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).
4. Section 4 – When access to information can / may be refused.
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](http://www.sahrc.org.za)

**E-mail:** [mnyuswa@sahrc.org.za](mailto:mnyuswa@sahrc.org.za)

With effect from 1 July 2021, in terms of section 110 read with section 114(4) of POPI, the Information Regulator will assume the role and responsibilities of the SAHRC under PAIA. In particular, section 114(4) of POPI provides that “the SAHRC must, in consultation with the Information Regulator, finalise or conclude its functions referred to in sections 83 and 84 of [PAIA], as soon as reasonably possible after the amendment of those sections in terms of [POPI]”. Pending the finalisation contemplated above, the SAHRC has advised on its website that it will continue to discharge its powers and functions under PAIA until the handover process to the Information Regulator is complete. POPI also introduced certain amendments to PAIA, including an obligation on the Information Regulator to update and make available the existing guide that has been compiled by the SAHRC containing such information, 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 POPI. Once the updated guide has been released, this manual will be updated accordingly.

## **Section C – Information available in terms of PAIA**

### **1. Categories of information**

We **may** (but do not necessarily) hold the following categories of information:

#### **CORPORATE INFORMATION**

- (i) A copy of the Association's Memorandum of Incorporation and any amendments or alterations to it.
- (ii) A copy of any rules and/or regulations adopted by the Association.
- (iii) A record of our directors.
- (iv) Copies of reports presented at annual general meetings.
- (v) Copies of Annual Financial Statements, including:
  - (a) the auditor's report, if the Annual Financial Statements are audited; and
  - (b) the director's report.
- (vi) Copies of accounting records.
- (vii) Notices of all members' meetings.
- (viii) Minutes of all members' meetings.
- (ix) All resolutions adopted by members and any documents made available by us to the members in relation to their resolutions.
- (x) Copies of written communications sent generally by us to members.
- (xi) Minutes of all meetings of directors, or directors' committees (if any).
- (xii) Resolutions of directors, or board committees (if any).
- (xiii) Members' register.
- (xiv) 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.
- (xv) Budget of the Association

#### **(b) ACCOUNTING RECORDS**

- (i) Books of account including journals and ledgers.
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.
- (iii) Levy information.

#### **(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, constitutional documents (in respect of members that are juristic persons) and votes.
- (ix) Litigation and all other legal proceedings (including alternative dispute resolution processes) between members and the Association and debt collection.
- (x) Biometric registration details.
- (xi) Biometric access and egress details.
- (xii) Vehicles, golf cart and motorcycle registration details.
- (xiii) Membership applications and Members' files.
- (xiv) Property sales and leases, clearance information and transfer documents.
- (xv) Proxy appointments.

(d) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations.
- (ii) Time worked by each employee.
- (iii) Remuneration paid to each employee.
- (iv) Date of birth and/or identity number of each employee.
- (v) Wages register.
- (vi) Attendance register.
- (vii) Employment equity plan.
- (viii) Salary and wages register.
- (ix) Records of foreign employees.
- (x) Collective bargaining agreements (if any) and any records required in terms thereof.
- (xi) Arbitration awards (if any) and any records required in terms thereof.
- (xii) Determinations made in terms of the Wage Act (if any) and any records required in terms thereof.



- (xiii) Records of strikes, lockouts or protest action (if any).
- (xiv) Industrial training records.
- (xv) Staff records (after date of employment ceases).
- (xvi) Expense accounts.
- (xvii) Tax returns of employees.
- (xviii) Skills development plan.

(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) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules.
- (ii) Pension Fund account records.
- (iii) Minutes of meetings of trustees and members.
- (iv) Actuarial valuation reports.
- (v) Contribution reports.
- (vi) Annual accounts.

(g) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records.
- (ii) Water quality monitoring programme records.
- (iii) Waste water assessment and monitoring records.
- (iv) Records of waste water discharges.
- (v) Records of waste water storage and waste water disposal.
- (vi) Employee medical surveillance records in respect of hazardous chemical substances.
- (vii) Records of investigations and tests in respect of hazardous chemicals and substances.

- (viii) Records of risk assessments and monitoring results in respect of hazardous biological agents.
- (ix) Safety management systems, data and audits.
- (x) Employee public health emergency action plans.
- (xi) Emergency response plans.
- (xii) Environmental impact assessments.
- (xiii) Environmental management programs and systems.
- (xiv) Details of aqueous discharges.
- (xv) Details of solid waste discharges.
- (xvi) Details of air emission discharges.
- (xvii) Environmental authorisations.

(h) FIXED PROPERTY

- (i) Title deeds.
- (ii) Leases.
- (iii) Building plans.
- (iv) Mortgage Bonds or other encumbrances to fixed property.
- (v) Management Agreements including information pertaining to managing agents.
- (vi) Sectional title scheme/s statutory and other information.

(i) MOVABLE PROPERTY

- (i) Asset register.
- (ii) Finance and lease agreements.
- (iii) Notarial bonds.
- (iv) Deeds of pledge.

(j) INTELLECTUAL PROPERTY

- (i) Trade marks, trade mark applications, trade names and protected names.
- (ii) Copyright-protected material.
- (iii) Agreements relating to intellectual property such as licence agreements, confidentiality agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements.
- (iv) Documents pertaining to litigation and other disputes involving intellectual property.

(k) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning the provision of services or materials.
- (ii) Agreements with members, officers or trustees.
- (iii) Acquisition or disposal documentation.
- (iv) Agreements with contractors and suppliers.
- (v) Warranty agreements.
- (vi) Sale agreements.
- (vii) Restraint agreements.
- (viii) Agreements with governmental agencies.
- (ix) Purchase or lease agreements.

(l) TAXATION

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

(m) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation.
- (ii) Settlement agreements.
- (iii) Material licences, permits and authorisations.

(n) INSURANCE

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

(o) TRANSPORTATION

- (i) Permits.

(p) 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) Agreements.
- (xii) Licenses.
- (xiii) Audits.

(q) SALES AND MARKETING

- (i) Brochures, newsletters and advertising materials.
- (ii) Sales related information.
- (iii) Public relations policies and procedures.
- (iv) Information concerning estate agents and agencies.

(r) BLACK ECONOMIC EMPOWERMENT

- (i) Ratings conducted by accredited rating agencies.
- (ii) Recruitment and employment equity policies.
- (iii) Supplier and preferential procurement information.
- (iv) Skills development policy.

(s) COMMUNITY AND STAKEHOLDER ENGAGEMENT

- (i) Social and labour plan.
- (ii) Charitable initiatives.

(t) SECURITY

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

(u) MANAGEMENT

- (i) Directors' 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) OHS Act File and Reports / findings.
- (x) Maintenance schedules and checklists.
- (xi) Service contracts with service providers.
- (xii) Registration details and contracts with Estate Agents.
- (xiii) Developer agreements and contracts.
- (xiv) Service agreements and related documents.
- (xv) Health and Safety Registers.
- (xvi) Utility records including sewage plant reports, electrical reticulation boxes, water testing reports, water / electricity usage and readings.
- (xvii) Correspondence with Government departments.

## **2. Procedure for requesting access to the above information**

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in Annexure "A" hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website (whose contact details are in section B of this manual);

The completed form must be delivered to the information officer (whose contact details are in section A of this manual).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. 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 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 – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

## **Section D – Information available in terms of other legislation**

Where applicable to our 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
- Building Standards Act 103 of 1977
- Community Schemes Ombud Services Act No. 9 of 2011
- Companies Act No. 71 of 2008
- 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
- 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
- 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 Building Regulations and Building Standards Act No. 103 of 1977 and the Regulations promulgated thereunder
- 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
- Protection of Personal Information Act 4 of 2013 (please see the Association's POPI Policy for further details in this regard, a copy of which is available at our website)
- 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
- Sectional Title Schemes Management Act No. 8 of 2011
- 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
- Unemployment Insurance Contributions Act No. 4 of 2002
- 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.

In other words those persons entitled to access the documents do not need to request this information in terms of the Promotion of Access to Information Act.

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.

	<b>Category of Persons</b>	<b>Information Automatically Available</b>
1.	Members of the Association	Those records of the Association, which, in terms of the Association's Memorandum of Incorporation are open to inspection by its members.
2.	General Public	Newsletters, booklets, pamphlets / brochures, reports, posters and other literature made available for public viewing, or made freely available on our website.  A right to inspect or copy the members' and directors' register of the Association subject to the provisions of Section 26, read with Section 24 of the Companies Act, 2008.

## **Section F - Processing of Personal Information**

The Association is committed to complying with the Protection of Personal Information Act 4 of 2013 (**POPI**) in relation to the processing of your personal information.

The Association has adopted a POPI Policy which describes how and why we collect, store, use, share or otherwise process your personal information. It also explains your rights in relation to your personal information and how to contact us if you have a question or complaint. A copy of the Association's POPI Policy is available at our website.

Section 51 of PAIA requires that this manual also addresses the following issues 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 prevail, except to the extent that this Manual expressly provides otherwise.

### **1. Purpose of the processing**

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

<b>Information Type</b>	<b>Reasons why we may use this information</b>
<b>Identification information:</b> such as your name, photograph, passport, national identification, biometric information, gender, date of birth, vehicle registration number, vehicle licence and driving licence, information regarding your employer	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
<b>Contact information:</b> such as, email address; telephone number; physical address; erf number	To contact you with information relevant to you as a resident / service provider / 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
<b>Contact and payment information and other information of suppliers /</b>	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

Information Type	Reasons why we may use this information
<b>contractors / service providers:</b> such as, name; email; telephone number; address, payment and bank details	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
<b>Contact and other information of our directors, trustees, staff (past / present) / prospective employees:</b> contact details, employment history, references, vetting information, financial information including banking details, IT information and other information relating to employment (eg: leave; appraisals etc)	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
<b>Information obtained during entry, exit and whilst inside the Estate :</b> such as, CCTV images; photographs; contact details; incident reports; witness statements; car registration information; access records and registration details.	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.

## 2. 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, guests, service providers and employees;
- 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 under section 1 above for examples of the kinds of information collected from these data subjects.

### **3. Recipients or categories of recipients to whom the personal information may be supplied**

Depending on the circumstances, we may disclose your 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.

### **4. Planned transborder flows of personal information**

The Association may transfer data outside of South Africa in certain circumstances (for example: 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.

### **5. 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.

**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?

YES

NO

**Postage is payable.**

**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. 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 fees<sup>1</sup>**

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 fees<sup>2</sup>**

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 fee<sup>3</sup> 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 fee<sup>4</sup> 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.<sup>5</sup>
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

#### **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 R1,10 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:

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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).

	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**

1. 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 installments 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**

## ANNEXURE “C”

### 24. Form and standards for company records

(a) Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of this Act or any other public regulation must be kept-

in written form, or other form or manner that allows that information to be converted into written form within a reasonable time; and

for a period of seven years, or any longer period of time specified in any other applicable public regulation, subject to subsection (2).

(b) If a company has existed for a shorter time than contemplated in subsection (1)(b), the company is required to retain records for that shorter time.

(c) Every company must maintain-

a copy of its Memorandum of Incorporation, and any amendments or alterations to it, and any rules of the company made in terms of section 15(3) to (5);

a record of its directors, including -

all the information required in terms of subsection (5) in respect of each current director at any particular time; and

with respect to each past director, the information required in terms of subparagraph (i), which must be retained for seven years after the past director retired from the company;

copies of all-

reports presented at an annual general meeting of the company, for a period of seven years after the date of any such meeting;

annual financial statements required by this Act, for seven years after the date on which each such particular statements were issued; and

accounting records required by this Act, for the current financial year and for the previous seven completed financial years of the company;

notice and minutes of all shareholders meetings, including -

all resolutions adopted by them; and

any document that was made available by the company to the holders of securities in relation to each such resolution,

for seven years after the date each such resolution was adopted;

(e) copies of any written communications sent generally by the company to all holders of any class of the company's securities, for a period of seven years after the date on which each such communication was issued; and

(f) minutes of all meetings and resolutions of directors, or directors' committees, or the audit committee, if any, for a period of seven years after the date-

(i) of each such meeting; or

(ii) on which each such resolution was adopted.

- (4) In addition to the requirements of subsection (3), every company must maintain -
  - (a) a securities register or its equivalent, as required by section 50, in the case of a profit company, or a member's register in the case of a non-profit company that has members; and
  - (b) the records required in terms of section 85, if that section applies to the company.
- (5) A company's record of directors must include, in respect of each director, that person's-
  - (a) full name, and any former names;
  - (b) identity number or, if the person does not have an identity number, the person's date of birth;
  - (c) nationality and passport number, if the person is not a South African;
  - (d) occupation;
  - (e) date of their most recent election or appointment as director of the company;
  - (f) name and registration number of every other company or foreign company of which the person is a director, and in the case of a foreign company, the nationality of that company; and
  - (g) any other prescribed information.
- (6) To protect personal privacy, the Minister, by notice in the *Gazette*, may exempt from the application of subsection (5)(a) categories of names as formerly used by any person-
  - (a) before attaining majority, or by persons who have been adopted, married, divorced or widowed; or
  - (b) in other circumstances prescribed by the Minister.

## **26. Access to company records**

- (1) A person who holds or has a beneficial interest in any securities issued by a profit company, or who is a member of a non-profit company, has a right to inspect and copy, without any charge for any such inspection or upon payment of no more than the prescribed maximum charge for any such copy, the information contained in the following records of the company:
  - (a) The company's Memorandum of Incorporation and any amendments to it, and any rules made by the company, as mentioned in section 24(3)(a);
  - (b) the records in respect of the company's directors, as mentioned in section 24(3)(b);
  - (c) the reports to annual meetings, and annual financial statements, as mentioned in section 24(3)(c)(i) and (ii);
  - (d) the notices and minutes of annual meetings, and communications mentioned in section 24(3)(d) and (e), but the reference in section 24(3)(d) to shareholders meetings, and the reference in section 24(3)(e) to communications sent to holders of a company's securities, must be regarded in the case of a non-profit company as referring to a meeting of members, or communication to members, respectively; and
  - (e) the securities register of a profit company, or the members register of a non-profit company that has members, as mentioned in section 24(4).
- (2) A person not contemplated in subsection (1) has a right to inspect or copy the securities register of a profit company, or the members register of a non-profit company that has members, or the

register of directors of a company, upon payment of an amount not exceeding the prescribed maximum fee for any such inspection.

- (3) In addition to the information rights set out in subsections (1) and (2), the Memorandum of Incorporation of a company may establish additional information rights of any person, with respect to any information pertaining to the company, but no such right may negate or diminish any mandatory protection of any record required by or in terms of Part 3 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- (4) A person may exercise the rights set out in subsection (1) or (2), or contemplated in subsection (3)-
  - (a) for a reasonable period during business hours;
  - (b) by direct request made to a company in the prescribed manner, either in person or through an attorney or other personal representative designated in writing; or
  - (c) in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- (5) Where a company receives a request in terms of subsection (4)(b) it must within 14 business days comply with the request by providing the opportunity to inspect or copy the register concerned to the person making such request.
- (6) The register of members and register of directors of a company, must, during business hours for reasonable periods be open to inspection by any member, free of charge and by any other person, upon payment for each inspection of an amount not more than R100,00.
- (7) The rights of access to information set out in this section are in addition to, and not in substitution for, any rights a person may have to access information in terms of-
  - (a) section 32 of the Constitution;
  - (b) the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); or
  - (c) any other public regulation.
- (8) The Minister may make regulations respecting the exercise of the rights set out in this section.
- (9) It is an offence for a company to-
  - (a) fail to accommodate any reasonable request for access, or to unreasonably refuse access, to any record that a person has a right to inspect or copy in terms of this section or section 31; or
  - (b) to otherwise impede, interfere with, or attempt to frustrate, the reasonable exercise by any person of the rights set out in this section or section 31.