

STATUTORY PAIA MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (“the Act”)

_____ (insert full name of the Home Owner’s Association)

(“the Home Owner’s Association”)

Date: _____

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1. INTRODUCTION

The aim of the manual is to assist potential requestors as to the procedure to be followed when requesting access to information/documents from the Home Owner’s Association as contemplated in terms of the Act. The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public. Any requestor is advised to contact

_____ (Chairperson’s full names) of the Home Owner’s Association should he/she require any assistance in respect of the utilisation of this manual and/or the requesting of information/documents from the Home Owner’s Association.

2. CONTACT DETAILS OF THE CHAIRPERSON (Section 51(1)(a) of the Act)

Street Address: _____

Postal address: _____

Telephone: _____

Fax: _____

E-mail: _____

3. DESCRIPTION OF THE GUIDE IN TERMS OF SECTION 10 OF THE ACT AND HOW TO ACCESS THE GUIDE (Section 51(1)(b) of the Act)

In terms of Section 10 of the Act, a guide will be compiled by the South African Human Rights Commission (“SAHRC”) containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available in all official languages by the SAHRC and is obtainable from the SAHRC. Contact details of the Gauteng Provincial Office, South African Human Rights Commission are as follows:

Physical Address: 2nd Floor, Braampark Forum 3
33 Hoofd Street
Braamfontein

Postal Address: Private Bag X2700
Houghton
2041

Tel: 011 877 3678
 Fax: 011 403 0625
 Contact Person: David Malesa
 Email: dmalesa@sahrc.org.za

4. **NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT** (Section 51(1)(c) of the Act)

Currently no notices have been issued.

5. **INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION** (Section 51(1)(d) of the Act)

The Home Owner's Association keeps information/documents in accordance with the following legislation (please note that this is not an exhaustive list):

- The Companies Act 71 of 2008

- The Memorandum of Incorporation (or the Articles of Association and Memorandum of Association of the Home Owner's Association
- The Rules and/or Constitution of the Home Owner's Association;
- The Minutes of the Director's/Trustees' Meetings of the Home Owner's Association;
- The Minutes of the Meetings of the Home Owner's Association;
- Every unanimous resolution, special resolution and any other resolution of Home Owner's Association;
- Documents that are available to the members of the Home Owner's Association in accordance with the Constitution of the Home Owner's Association

- Labour Relations Act 66 of 1995 (All documents which are available in terms of this Act)

- Basic Conditions of Employment Act 75 of 1997 (All documents which are available in terms of this Act)

- Employment Equity Act 55 of 1998 (All documents which are available in terms of this Act)

- Skills Development Act 97 of 1998 (All documents which are available in terms of this Act)

- Skills Development Levies Act 9 of 1999 (All documents which are available in terms of this Act)

- Unemployment Insurance Act 63 of 2001 (All documents which are available in terms of this Act)

The above records, in so far as they are of a public nature may be available elsewhere without having to request access thereto in terms of the Act.

6. **DOCUMENTS / INFORMATION HELD IN TERMS OF THE ACT** (Section 51(1)(e) of the Act)

The Home Owner's Association holds information on the following subjects in respect of which it holds record:

- The operational and financial situation of the Home Owner's Association;
- Owner data base;

- the Home Owner's Association Personnel Report;
- Insurance information and policies;

The categories of records have been set out in Section 5 above.

The Home Owner's Association records that any and all records requested shall only be available to a requestor subject to the provisions of the Act. None of the information is automatically available without having to request access in terms of and subject to the provisions of the Act. A request for information should be in the prescribed form, addressed to the Chairperson referred to in Section 2 above and provided on payment of the required fee.

To facilitate the processing of your request, kindly use the prescribed form C, attached hereto and available on the website of the South African Human Rights Commission at www.sahrc.org.za, or the website of the Department Of Justice And Constitutional Development (under regulations) at www.doj.gov.za. Your request must be addressed to the Chairperson referred to in Section 2.

Sufficient detail must be provided to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of such agent's capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;
- (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

7. **OTHER INFORMATION** (Section 51(1)(f) of the Act)

No other information has to date been prescribed. However kindly take note of the below

The following are some of the provisions which apply:

A requestor is required to pay the prescribed fee (R50.00) before a request will be processed;

If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

Records may be withheld until the fees have been paid.

A third party aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body, may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

8. **UPDATING OF MANUAL** (Section 51(2) of the Act)

This manual will on a regular basis be updated in terms of Section 51(2) of the Act by the Chairperson referred to in Section 2 above of the Home Owner's Association.

9. **AVAILABILITY OF THE MANUAL** (Section 51(3) of the Act)

- This manual will be made available to the Human Rights Commission of South Africa.
- This manual will be made available on the web site of the Home Owner's Association, if applicable.
- This manual is available, upon request, at the address set out in Section 2 above, free of charge for inspection.
- Copies of the manual may be obtained at the address set out in Section 2 above, subject to the prescribed fees.
- The request forms and fees can be obtained on the SAHRC website (www.sahrc.org.za) or the website of the Department of Justice and Constitutional Development (www.doj.gov.za).