



Silver Lakes Homeowners Association NPC
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SECTION 14 MANUAL:

PROMOTION OF ACCESS TO INFORMATION

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**MANUAL PREPARED IN TERMS OF SECTION 14 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2000**

SECTION 1 - INTRODUCTION

The Promotion of Access to Information Act (the “Act”) was promulgated in March 2001. The Act aims to actively promote a society in which the people of South Africa have effective access to information, enabling them to more fully exercise and protect their rights.

Section 51(1) of the Act makes it the responsibility of all heads of private bodies (“companies”) to draw up a manual that provides information about the subjects and categories of records held by the company.

Our companies’ manual provides a guide to the records we hold and the process that you must follow in order to access our records, if the Act says that we must make them available to you. All requests for access to information must be addressed to the contact person identified in section 3 of this manual, as s/he is our designated Information Officer.

SECTION 2 - GUIDE TO ALL MANUALS IN TERMS OF SECTION 10 OF THE ACT

The Human Rights Commission has compiled a guide that teaches you how to use the Act, which is available from the Human Rights Commission. You may address any further queries about the Act or your rights to:

The South African Human Rights Commission (PAIA Unit): The Research and Documentation Department

Physical Address: Braampark Forum 3
33 Hoofd Street
Braamfontein

Postal Address: Private Bag 2700
Houghton
2041

Phone: (011) 011 877 3600
Fax: (011) 011 403 0668

E-mail: PAIA@zahrc.org.za
Website: www.sahrc.org.za

SECTION 3 - ENTITY OVERVIEW, STRUCTURE AND SCOPE OF THIS MANUAL

The Silver Lakes Homeowners Association NPC is a non-profit company as defined in the Companies Act No. 71 of 2008; that protects the rights of all of its members residing at the Silver Lakes Golf Estate ("the Estate"); collects its levies, including ancillary charges and runs the common areas of the Estate. This manual only deals with the records held by the Estate.

SECTION 4 - HEAD OF COMPANY AND INFORMATION OFFICER

Below is the name and details of the person who has been appointed as our information officer, responsible for ensuring that the requirements of the Act are administered in a fair, objective and unbiased manner for our company. Please address all requests for access to records relating to the company to:

HEAD OF COMPANY AND DESIGNATED INFORMATION OFFICER

Name: Mr Henk Booysen
Street Address: 27 Muirfield Boulevard, Silver Lakes
Postal Address: PO Box 11106, Silver Lakes, 0054
Phone Number: 012 809 0142
Fax Number: 012 809 1119
E-mail Address: ceo@silverlakes.co.za

SECTION 5 - RECORDS HELD BY THE COMPANY

Our records are in paper and electronic form only. In terms of the Act, we must give access to our records, no matter what format they appear in.

Our company holds the following records:

| | |
|----------------|--|
| Administration | <ul style="list-style-type: none">• Company Founding Documents• Financial Statements• Tax Records• General Correspondence• Information relating to transactions of a financial nature (e.g. invoices and payments)• Banking Records• Resident Information• Employee Records• Employment Equity Records• Labour Relations Records• Statutory HR Records |
|----------------|--|

SECTION 6 - RECORDS THAT CAN BE ACCESSED WITHOUT A FORMAL REQUEST

Some of the information listed can be accessed at the Company Registered Office Address without a formal request. This information relates to the records of the Company in terms of the Companies Act 71 of 2008, as well as other prescriptive legislation.

In terms of the following Acts of Parliament, we must also ensure that the categories of records prescribed are available for access by the public:

- The Occupational Health and Safety Act No. 85 of 1993;
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Close Corporations Act No. 69 of 1984;
- Companies Act 71 of 2008;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Constitution of the Republic of South Africa No.3 of 1994; and
- South African Revenue Services Act, 34 of 1997.

Notification of the availability of these records in terms of these Acts of Parliament has not yet been given to the Cabinet Minister of Justice.

We have made every effort to identify all relevant legislation, but do not guarantee that all legislation has been included. If you know of any specific legislation that we should include, but have not, please contact the Information Officer of the Company. Your assistance in this regard is appreciated.

SECTION 7 - REQUEST PROCEDURE

Procedure to follow when requesting access to a record in the documentation set out in Section 6 of this manual.

Telephonic requests

Informal (telephonic) requests are not forbidden by the Act. Any such request made to the Information Officer at the telephone number given in this manual will be attended to unless the Information Officer indicates that the provisions of the Act must be carried out - in this case, Form C must be filled out.

Formal written requests

This request must be in the prescribed format - Form C of Annexure B as identified in Government Notice Number 187, Regulation 6 - and must be sent to the Information Officer.

A copy of Form C of Annexure B can be found at the end of this manual and is available by e-mail or in hard copy at the registered address of the Company.

The prescribed request fee must be attached (see Section 7 of this manual for more details on the fees).

Our Information Officer will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted.

Please note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed CLEARLY and COMPLETELY in block letter. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will set out:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or
the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will set out:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Act.

Assuming your request for access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.

Access will be granted to a record if the following criteria are met:

- The record is required for the exercise or protection of any right;
- You have properly followed the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal set out in Chapter 4 of Part 3 of the Act.

Reasons for refusing a request for information

Our company holds private information regarding its members. We may refuse to give you your requested information if:

1. We must protect the privacy of a third party who is a natural person, and your request would involve the unreasonable disclosure of personal information of that person.
2. We must protect the commercial information of a company, whether it be their trade secrets, financial information, working product information or any other confidential documentation of the company or another.
3. We must protect the confidentiality of information given to us by any third person.

Request for access to information about third parties

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted.

SECTION 8 - FEES

There are two basic types of fees applicable in terms of the Act - "request" and "access" fees.

The non-refundable request fee (currently R 50.00) is paid on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee must be paid before you can actually gain access to the records in the required form.

The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11, a copy of which can be found at the end of this manual.

No request may be processed unless the request fee where applicable has been paid - section 22(1) of the Act.

SECTION 9 - PAYMENT METHOD

All payments shall be made in the form of cash payable at the registered address of the Company or by deposit into the bank account of the Company.

You may contact our information officer or managing agent (where applicable) for our bank details. Please state the requester's (applicant's) surname, name and Initials.

SECTION 10 - REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH

The Act provides for an internal appeal procedure in terms of sections 74 and 75 (Part 4 of the Act). The Minister of Justice is the relevant authority who will review any decision taken on appeal.

An aggrieved party still has an opportunity to approach the courts if dissatisfied with the decision of the relevant authority.

SECTION 11 - UPDATING THE MANUAL

The manual shall be updated on a regular basis as set out in Section 51(2) of the Act.

SECTION 12 - AVAILABILITY OF THE MANUAL

The manual is available from the information officer listed above and at the offices of the South African Human Rights Commission as set out in Section 2 above.

FEES IN RESPECT OF PRIVATE BODIES

1. The fee of 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 preproduction referred to in regulation 11(1) are as follows:

| | | |
|----|--|--------|
| a) | For every photocopy of an A4-size page or part thereof | R1,10 |
| b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | R0,75 |
| c) | For a copy in a computer-readable form on – | |
| | i. stiffy disc | R7,50 |
| | ii. compact disc | R70,00 |
| d) | i. For a transcription of visual images, for an A4-size page or part thereof | R40,00 |
| | ii. For a copy of visual images | R60,00 |
| e) | i. For a transcription of an audio record, for an A4-size page or part thereof | R20,00 |
| | ii. For a copy of an audio record | R30,00 |
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

| | | |
|-------|---|--------|
| 1) a) | For every photocopy of an A4-size page or part thereof | R1,10 |
| | b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | R0,75 |
| | c) For a copy in a computer-readable form on – | |
| | i. stiffy disc | R7,50 |
| | ii. compact disc | R70,00 |
| d) | i. For a transcription of visual images, for an A4-size page or part thereof | R40,00 |
| | ii. For a copy of visual images | R60,00 |
| e) | i. For a transcription of an audio record, for an A4-size page or part thereof | R20,00 |
| | ii. For a copy of an audio record | R30,00 |
| 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.



REPUBLIC OF SOUTH AFRICA

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:
Telephone number: (.....) Fax 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:

.....

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3. Any further particulars of record:

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.....

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:

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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 below, 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 for access 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? Postage is payable. | YES | NO |
|--|-----|----|

G. Particulars of right to be exercised or protected

| |
|---|
| If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios. |
|---|

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

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