



SILVER LAKES HOMEOWNERS ASSOCIATION NPC

PAIA MANUAL

**Prepared in terms of section 51 of the Promotion of Access to
Information Act,
2 of 2000 (as amended)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	"IO"	Information Officer
1.2	"Minister"	Minister of Justice and Correctional Services
1.3	"PAIA"	Promotion of Access to Information Act, 2 of 2000 and regulations as amended
1.4	"POPIA"	Protection of Personal Information Act, 4 of 2013 and regulations as amended
1.5	"Regulator"	Information Regulator
1.6	"Republic"	Republic of South Africa
1.7	"SLHOA"	Silver Lakes Homeowners Association NPC

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF SLHOA

3.1. Information Officer

Name and Surname	Natasha van Zyl
Telephone number	012 809 0142
Email	fm@silverlakes.co.za

3.2. Deputy Information Officer

Name and Surname	Daniel Retief Basson
Telephone number	012 809 0142
Email	security@silverlakes.co.za

3.3 General contact details for Access to Information

Email	info@silverlakes.co.za
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3.4 National or Head Office

Postal Address	27 Muirfield Blvd, Silver Lakes, Pretoria, Gauteng, 0080
Physical Address	27 Muirfield Blvd, Silver Lakes, Pretoria, Gauteng, 0080
Telephone	012 809 0142
Email	info@silverlakes.co.za
Website	www.silverlakes.co.za

4. KEY CONTACT DETAILS OF THE INFORMATION REGULATOR

4.1 Information Regulator

The Information Regulator has taken over the function to regulate PAIA from the South African Human Rights Commission as of the 30th of June 2021. The Information Regulator also regulates POPIA.

Contact details of the Information Regulator:

Postal Address	PO Box 3153, Braamfontein, Johannesburg, 2017
Physical Address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg 2001
Telephone	+27 (0) 10 023 5200
Email	enquiries@inforegulator.org.za
Website	https://www.inforegulator.org.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), 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 POPIA.

5.2. The Guide is available in each of the official languages and in braille.

5.3. The aforesaid Guide contains the description of-

- 5.3.1. the objects of PAIA and POPIA;
- 5.3.2. access to the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 5.3.6.1. an internal appeal;
- 5.3.6.2. a complaint to the Regulator; and
- 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 5.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 5 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.5. The Guide can also be obtained-

5.5.1. upon request to the Information Officer;

5.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5.6 A copy of the Guide is also available in the following official languages, for public inspection during normal office hours-

5.6.1 English, Afrikaans, IsiZulu, Ndebele, Sepedi, Sesotho, Swati, Tsonga, Tswana, Venda, Xhosa

6. REASONS FOR ACCESS REFUSAL

A private body such as SLHOA is entitled to refuse a request for information.

6.1 The main grounds for SLHOA to refuse a request for information relates to the:

6.1.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63 of PAIA) or a juristic person, as included in the POPIA which would involve the unreasonable disclosure of personal information of that natural or juristic person;

6.1.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the POPIA;

6.1.3 mandatory protection of the commercial information of a third party (section 64 of PAIA) if the record contains:

6.1.3.1 trade secrets of the third party;

6.1.3.2 financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

6.1.3.3 information disclosed in confidence by a third party to SLHOA if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- 6.1.4 mandatory protection of confidential information of third parties (section 65 of PAIA) if it is protected in terms of any agreement;
 - 6.1.5 mandatory protection of the safety of individuals and the protection of property (section 66 of PAIA); and/or
 - 6.1.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67 of PAIA).
- 6.2 The commercial activities (section 68 of PAIA) of a private body, such as SLHOA, which may include:
- 6.2.1 trade secrets of SLHOA;
 - 6.2.2 financial, commercial, scientific, or technical information, which disclosure could likely to cause harm to the financial or commercial interests of SLHOA;
 - 6.2.3 information which, if disclosed, could put SLHOA at a disadvantage in negotiations or commercial competition;
 - 6.2.4 a computer program which is owned by SLHOA and which is protected by copyright; and/or
 - 6.2.5 the research information (section 69 of PAIA) of SLHOA or a third party, if its disclosure would disclose the identity of SLHOA, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 6.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.
- 6.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of PAIA. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

You will be notified in writing on Form 3 as required by PAIA as to whether your request for information has been approved or denied within 30 (Thirty) calendar days after receipt of a completed request refer Form 2 as per Annexure A.

7. CATEGORIES OF RECORDS OF SLHOA (PTY) LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The categories of records held by SLHOA are available without a person having to request access by completing Form 2 as per the PAIA regulations. These are records that are available on the website (as indicated), and a person may download or request telephonically or by sending an e-mail (Refer paragraph 3.3) or a letter.

*Refer to **Table 1** for documents which are available as described above.*

Table 1			
Category of records	Types of the Record	Available on Website	Available upon request
Compliance	Terms of use for the website	X	
Compliance	Privacy policy for the website	X	
Compliance	PAIA Manual	X	
Compliance	SARS Tax clearance certificate		X
Compliance	BBBEE certificate		X
Compliance	BBBEE affidavit		X
Compliance	Company registration document (CIPC)		X
Compliance	VAT registration		X
Marketing	Company Profile		X
Marketing	Public Product Information		X
Marketing	Newsletters		X
Marketing	Magazine Articles		X

8. DESCRIPTION OF THE RECORDS OF SLHOA WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

These are the records which are created and available in accordance with any of the South African legislation. These are records that are available by request telephonically or by sending an e-mail (Refer paragraph 3.3) or a letter.

*Refer to **Table 2**:*

Table 2	
Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act number 71 of 2008
PAIA Manual	Promotion of Access to Information Act number 2 of 2000
PAIA Guides (Issued by Information Regulator and available on request)	Promotion of Access to Information Act number 2 of 2000

9. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY SLHOA

*The subjects in respect of which SLHOA holds records and the categories of records held on each subject are depicted in **Table 3** below, and a person can request access by completing Form 2 as per the PAIA regulations (27 August 2021) (Refer Annexure A for an example of Form 2).*

Table 3	
Subjects on which the body holds records	Categories of records
Compliance	<ul style="list-style-type: none"> ○ Policies and procedures ○ Minutes of Board of Directors meetings ○ Register of Board of Directors ○ Health and Safety plan ○ Personal Information Impact Assessment

Table 3	
Subjects on which the body holds records	Categories of records
Sales and Marketing	<ul style="list-style-type: none"> ○ Marketing Strategy ○ List of clients and prospects ○ CRM System with details of clients ○ Client agreements ○ Client files ○ Client correspondence ○ Sales Records
Human Resources	<ul style="list-style-type: none"> ○ HR policies and procedures ○ Advertised posts ○ Employment contracts ○ Employees records (including personal information) ○ Employment equity plan ○ Medical aid records ○ Pension fund records ○ Performance management records ○ Employee benefit records ○ Payroll records (including PAYE) ○ SARS records (e.g. IRP5's) ○ UIF records ○ Training attendance register ○ Disciplinary and grievance records
Finance	<ul style="list-style-type: none"> ○ Finance policies ○ Annual Budgets ○ Variance reports (budget vs Actual) ○ Financial Statements ○ Monthly Management Accounts ○ VAT Schedules ○ SARS Tax Clearance ○ Monthly Journals ○ Annual Journals ○ Cash book ○ General ledger ○ Financial Reconciliations ○ Debtors <ul style="list-style-type: none"> • Invoices • Statements • Credit notes ○ Creditors <ul style="list-style-type: none"> • Invoices

Table 3	
Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> • Statements • Credit Notes • BEE Certificates • BEE Affidavit • SARS Tax Clearance • Asset Register ○ Banking records and Statements ○ Electronic Banking records ○ Insurance Policies
Technology	<ul style="list-style-type: none"> ○ Information Security Policies ○ Register of hardware ○ Register of software ○ Record of Access to systems
Operations	<ul style="list-style-type: none"> ○ Rental agreements ○ Non-disclosure agreements ○ Supplier agreements ○ Internal correspondence (emails/memos) ○ Debt Collections Information

10. PROCESSING OF PERSONAL INFORMATION

10.1 Purpose of Processing Personal Information

*There are various types of personal information that SLHOA deal with. Refer to **Table 4** for the purpose per category of data subjects.*

10.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

The categories of data subjects in respect of whom SLHOA processes personal information and the nature or categories of the personal information being processed are depicted in Table 4.

Table 4		
Categories of Data Subjects	Personal Information that may be processed	Purpose
Clients and prospective clients (including Debtors), Homeowners and tenants.	Names, ID numbers, date of birth, email address, physical address, postal address, contact numbers, company registration numbers, BBBEE ratings, financial data.	To service our clients and to invoice them for the products sold or services rendered.
Service Providers (including Suppliers/Vendors/Creditors)	Names, registration number, VAT numbers, physical address, email address, postal address, contact numbers, company registration information, BEE status documents, SARS Tax Clearance, bank details, financial data.	To engage and pay service providers for products received or services that they have performed.
Consumers	Name and surname, ID numbers, date of birth, gender, email address, physical address, contact details.	To contact and market to consumers.
Employees and Contractors	Name and surname, ID numbers, passport, date of birth, marital status, next of kin and family details, email address, physical address, postal address, education and qualifications, gender and race, contact numbers, bank details,	To employ staff and contractors. To maintain employee records. To pay the employees and contractors. To comply with the necessary legislation

Table 4		
Categories of Data Subjects	Personal Information that may be processed	Purpose
	salary/remuneration amount, tax details and criminal record checks.	and with company policies and procedures.

10.3 The recipients or categories of recipients to whom the personal information may be supplied

*The person or category of persons to whom SLHOA may disseminate personal information is depicted in **Table 5**.*

Table 5	
Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Names and Surname, Identity number for criminal checks	South African Police Services
Names and Surname, Identity number, qualifications for qualification verifications	South African Qualifications Authority

10.4 Planned transborder flows of personal information

SLHOA does not intend to transfer Personal Information outside of South Africa, but it may do so to secure or back up such Personal Information or for technical reasons. If Personal Information is transferred offshore, SLHOA will only transfer such Personal Information to other countries that have similar privacy and data protection laws as those in South Africa, as required by section 72 of POPIA.

10.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

SLHOA is committed to ensuring that personal and sensitive Information is secure. In order to prevent unauthorised access or disclosure to any Personal Information, SLHOA has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information it collects.

SLHOA makes use of secure data transmission and storage technologies to reasonably protect personal and sensitive Information from unauthorised disclosure and to maintain the integrity of your personal and sensitive Information. SLHOA organisation takes all reasonable technical and organisational measures to ensure the security of Personal and sensitive Information.

SLHOA has comprehensive information security policies and procedures and has implemented security measures that cover the following areas:

- 1. Physical – Personal and sensitive information processed at reputable data centres in South Africa with the necessary physical measures in place*
- 2. Logical – Only people who must have access to information/data to perform their tasks have that access. Strong passwords are used to access information/data that is classified as restricted/confidential.*
- 3. Operational – Anti-malware and anti-virus solutions are used, vulnerability tests are done, and backups are made regularly.*
- 4. Employees – Prospective employees have been screened before appointment. Employees are also trained in relation to policies and procedures as and when required.*

11. INFORMATION WE HOLD TO COMPLY WITH THE LAW

Where applicable to its operations, SLHOA also retains records and documents in terms of the legislation described below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the specific Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information.

A person can request access by completing Form 2 as per the PAIA regulations (27 August 2021) (Refer Annexure A for an example of Form 2).

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in paragraph 6 of this Manual.

SLHOA may hold information in accordance with the following legislation:

- 11.1 Basic Conditions of Employment Act, 75 of 1997;
- 11.2 Broad-Based Black Economic Empowerment Act, 53 of 2003;
- 11.3 Companies Act, 71 of 2008;
- 11.4 Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 11.5 Competition Act, 89 of 1998;
- 11.6 Constitution of the Republic of South Africa 1996;
- 11.7 Consumer Protection Act, 68 of 2008;
- 11.8 Copyright Act, 98 of 1978;
- 11.9 Customs and Excise Act, 91 of 1964;
- 11.10 Debt Collectors Act, 114 of 1988;
- 11.11 Electronic Communications and Transactions Act, 25 of 2002;
- 11.12 Employment Equity Act, 55 of 1998;
- 11.13 Financial Intelligence Centre Act, No 38 of 2001;
- 11.14 Income Tax Act, 58 of 1962;
- 11.15 Insurance Act 18 of 2017;
- 11.16 Intellectual Property Laws Amendment Act, 38 of 1997 as amended;
- 11.17 Labour Relations Act, 66 of 1995;
- 11.18 Long Term Insurance Act, 52 of 1998;
- 11.19 Occupational Health and Safety Act, 85 of 1993;
- 11.20 Pension Funds Act, 24 of 1956;
- 11.21 Prescription Act, 68 of 1969;
- 11.22 Promotion of Access to Information Act, 2 of 2000;
- 11.23 Protection of Personal Information Act, 4 of 2013;
- 11.24 Short Term Insurance Act, 53 of 1998;
- 11.25 Skills Development Act, 97 of 1998;
- 11.26 Skills Development Levies Act, 9 of 1999;
- 11.27 Unemployment Insurance Act, 63 of 2001;

- 11.28 Unemployment Insurance Contributions Act, 4 of 2002;
- 11.29 Value Added Tax Act, 89 of 1991.

12. HOW MUCH WILL IT COST YOU?

- 12.1. Section 52(3) of PAIA states that fees payable for access to records are to be prescribed.
- 12.2. Refer to Annexure B for the fees schedule in respect of private body's that was published in the PAIA regulation dated 27 August 2021.

13. AVAILABILITY OF THE MANUAL

- 13.1 A copy of the Manual is available-
 - 13.1.1 on www.silverlakes.co.za,
 - 13.1.2 head office of SLHOA for public inspection during normal business hours;
 - 13.1.3 to any person upon request; and
 - 13.1.4 to the Information Regulator upon request.

14. UPDATING OF THE MANUAL

The Chief Information Officer of SLHOA will, on an annual basis, update this manual.

Issued by



NATASHA VAN ZYL
Information Officer