



ATLANTIC BEACH

**MANUAL PREPARED IN ACCORDANCE WITH THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2
OF 2000**

FOR

**ATLANTIC BEACH HOMEOWNERS ASSOCIATION
NPC**

Registration number: 1999/000213/08

("the HOA")

ATLANTIC BEACH HOMEOWNERS ASSOCIATION NPC No.2 Fairway Drive Atlantic Beach Estate Melkbosstrand 7441

PO Box 39 Melkbosstrand 7437 T: +27 21 553 0590 E: info@abhoo.co.za

REG NO. 1999/000213/ 08 VAT NO. 4450 223 443

BOARD OF DIRECTORS: B. Kaiser, D Boyce, L. Fild, A. Berning, G. Herman

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1. INTRODUCTION

General

- 1.1. The HOA is a homeowners association established as a non-profit company in terms of the Companies Act, 71 of 2008.
- 1.2. The objectives of the HOA are provided for in its memorandum of incorporation and include, broadly, the control, administration and management of the Atlantic Beach Estate, Melkbosstrand ("**Estate**") and promoting, advancing and protecting the communal interests of the owners and occupiers of the Estate.
- 1.3. The members of the HOA are the owners of erven within the Estate and the body corporates which are established in respect of sectional title schemes located at the Estate.
- 1.4. The board of directors of the HOA are tasked with the responsibility of managing the HOA to ensure that its business is conducted in a non-profit manner and fulfils its objectives as provided for in its memorandum of incorporation.

Compliance with the Promotion of Access to Information Act, 2 of 2000 ("PAIA")

- 1.5. The HOA is committed to the observance of and compliance with the directives of the South African Constitution and national legislation which endorse the key principles of good corporate governance, transparency and accountability.
- 1.6. This manual is prepared in accordance with the provisions of section 51 of PAIA and sets out *inter alia* the manner in which Requesters may request access to certain records held by ABHOA and the categories of records which such persons are permitted access to and which records in respect of which access must be refused.

- 1.7. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

2. COMPANY CONTACT DETAILS

- 2.1. **Head of Body:** Francois Swart
- 2.2. **Postal Address:** PO Box 2398, Cape Town, Western Cape, 8000;
- 2.3. **Street Address:** Mandela Rhodes Place, Corner of Wale and Burg Street, Cape Town, Western Cape, 8001
- 2.4. **Telephone Number:** 021 553 0590
- 2.5. **Email:** info@abhoa.co.za
- 2.6. **Website:** residential.atlanticbeachestate.co.za

3. INFORMATION REGULATOR AND PAIA GUIDE

- 3.1. The Information Regulator, in terms of section 10 of PAIA, is required to update and make available the existing guide that was compiled by the South African Human Rights Commission containing information in a comprehensible manner as may reasonably be required for a person to exercise their rights in terms of PAIA.
- 3.2. The Information Regulator has attended to updating the aforesaid guide. The guide is made available in all official languages on the website of the Information Regulator at the following URL:

<https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide.pdf>
- 3.3. The contact details of the Information Regulator are as follows:

Chief Executive Officer: Mr. Mosalanyane Mosala
Contact Person: Ms. Pfano Nenweli
Email: PNenweli@justice.gov.za

Deputy Information Officer: Ms. Varsha Sewlal
Email: VarSewlal@justice.gov.za

Physical Address: JD House, 27 Stiemens Street, Braamfontein,
Johannesburg, 2001

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone: 010 023 5200

4. SCHEDULE OF RECORDS

4.1. Categories of Records Kept by the HOA

4.1.1. The HOA retains records in terms of the following legislation:

- 4.1.1.1. Basic Conditions of Employment Act, 75 of 1997
- 4.1.1.2. Companies Act, 71 of 2008
- 4.1.1.3. Financial Advisory and Intermediary Services Act, 37 of 2002
- 4.1.1.4. Financial Intelligence Centre Act, 38 of 2001
- 4.1.1.5. Labour Relations Act, 66 of 1995
- 4.1.1.6. Occupational Health & Safety Act, 85 of 1993
- 4.1.1.7. Skills Development Act, 9 of 1999
- 4.1.1.8. Unemployment Insurance Act, 63 of 2001
- 4.1.1.9. Value Added Tax Act, 89 of 1991
- 4.1.1.10. Income Tax Act, 58 of 1962
- 4.1.1.11. Estate Agency Affairs Act, 112 of 1976
- 4.1.1.12. Community Schemes Ombud Services Act, 9 of 2011
- 4.1.1.13. Pension Funds Act, 24 of 1956
- 4.1.1.14. National Credit Act, 34 of 2005
- 4.1.1.15. Protection of Personal Information Act, 4 of 2013
- 4.1.1.16. Promotion of Access to Information Act, 2 of 2000

4.1.2. Broadly, the records held by the HOA relate to the commercial, financial and professional interests of the HOA and records required to be retained by the HOA to fulfil its objectives, which records include personal information.

4.2. Records available without having to submit a request.

4.2.1. The following records of the HOA are available without having to submit a request in terms of PAIA (all of which are available at the office of the HOA or can be sent electronically to the Requester):

4.2.1.1. The memorandum of incorporation;

4.2.1.2. Rules issued in terms of the memorandum of incorporation;

4.2.1.3. documents required in terms of the Financial Intelligence Centre Act in respect of ABHOA (where an accountable institution requires the same);

4.2.1.4. marketing and information displayed on those portions of the website of the HOA that is available to the general public;

4.2.1.5. copies of contracts concluded directly between the Requester and the HOA;

4.2.1.6. other marketing material circulated by the HOA to the general public;

4.2.1.7. this manual; and

4.2.1.8. policy prepared in terms of the Protection of Personal Information Act (available on the HOAs website).

4.3. Records that must be requested in terms of PAIA (not exhaustive):

4.3.1. Statutory records held in terms of the Companies Act, 71 of 2008

- Minutes of Board of Directors and Members meetings (save for members of the Association in respect of members meetings, who are legally entitled to view same without request)

- Records relating to the appointment of directors/auditor/secretary / public officer and other officers.
- Members Register and other statutory registers (save for members of the Association who are legally entitled to view same without request).

4.3.2. Financial Records

- Annual Financial Statements (save for members of the Association who are legally entitled to view same without request)
- Tax Returns
- Accounting Records
- Banking Records
- Asset Register
- Invoices
- Levy statements (save for members of the Association who are legally entitled to view their levy statements without request)

4.3.3. Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes.
- Records of payments made to SARS on behalf of employees.
- All other statutory compliances:
 - VAT
 - Skilled development levies
 - UIF

4.3.4. Personnel documents and records

- Employment Contracts
- Training manuals and records
- Employment Equity Plan
- Disciplinary records

- Disciplinary code
- Leave records
- Salary records

4.3.5. Contracts/Policies

- Service provider agreements
- Client agreements
- Rental Agreements
- Insurance policies

4.3.6. Member communications and Documents

- Member information
- Complaints
- Compliance orders
- Penalties
- Notices and other material communications

4.3.7. Communications and applications made to Local Authorities

- Applications
- Material communications
- Decisions of local authorities

5. PROTECTION OF PERSONAL INFORMATION ACT

- 5.1. The HOA has prepared a policy in terms of the Protection of Personal Information Act. This policy is available on the website of the HOA and/or may be requested directly from the HOA.
- 5.2. The HOA is a "Responsible Party" and is required to comply with the Protection of Personal Information Act and process the following information:

Data Subjects	Information Categories	Purpose of processing	Recipients of supply of personal information
Employees	<ul style="list-style-type: none"> • Financial information • tax information • identity numbers • Contact information • Human resources information 	Human Resources	<ul style="list-style-type: none"> • Accountants / Auditors • Payroll • Recruitment • Attorneys
Clients and Homeowners/Members	<ul style="list-style-type: none"> • Financial information • tax information • identity numbers • Contact information • Property details 	Provision of Services and fulfilment of objectives	<ul style="list-style-type: none"> • Accountants • Attorneys • Employees • Directors • Banks • External services providers
Service Providers	<ul style="list-style-type: none"> • Financial information • tax information • identity numbers • Contact information 	Provision of Services	<ul style="list-style-type: none"> • Accountants • Attorneys • Employees • Directors • Banks • External services providers
Directors	<ul style="list-style-type: none"> • Financial information • tax information • identity numbers • Contact information 	Compliance	<ul style="list-style-type: none"> • Accountants • Attorneys • Employees • Directors • Banks • CIPC

5.3. There are no planned trans-border flows of information at this stage.

5.4. General information security measures relating to personal information include (but are not limited to) –

5.4.1. server is backed-up daily and backups are kept for 7 or 14 days depending on the nature of the data;

- 5.4.2. personal information is stored in a secure access-controlled data centre;
- 5.4.3. external access to the server is locked down;
- 5.4.4. business continuity plans and disaster recovery testing plans are in place;
- 5.4.5. antivirus software is updated regularly;
- 5.4.6. remote monitoring of access activity; and
- 5.4.7. employees are under an obligation to keep the information confidential.

6. FORM OF A REQUEST FOR INFORMATION

- 6.1. A Requester must use the prescribed form to request access to the information as per *inter alia* clause 4.3. above (available for download on the Information Regulator's website).
- 6.2. The request form can be downloaded from the following URL:
<https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>
- 6.3. The request must be addressed to the Head of Body as indicated in section 2.1 hereof.
- 6.4. The Requester must provide sufficient detail to enable the Head of Body to establish who is requesting the said information as well as what information is being requested and in what format.
- 6.5. The Requester must provide sufficient detail in respect of his/her contact details and if the Requester wishes to be informed of the decision of the Head of Body in any manner (in addition to written) the manner and particulars thereof.
- 6.6. The Requester must further set out the right which the Requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

- 6.7. After the Head of Body has decided on the request, the Requester must be notified in the required form.

7. PRESCRIBED FEES

- 7.1. A Requester who seeks access to a record containing personal information about that Requester is not required to pay a request fee.
- 7.2. Every other Requester, who is not a personal Requester, must pay the required request fee, as prescribed from time to time.
- 7.3. 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). A Requester may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 7.4. Records may be withheld until the fees have been paid.

8. AVAILABILITY OF THE MANUAL

- 8.1. This manual is available in English and Afrikaans for inspection at the offices of the HOA, free of charge upon prior arrangement with the Head of Body and during office hours (available on website).
- 8.2. A copy is also made available on the website of the HOA.
- 8.3. This manual will further be updated from time to time by the Head of Body.

Issued by



Francois Swart

Head of Body