

AMARI PROPERTY MANAGEMENT (PTY) LTD

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

ANNEXURES:

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1. INTRODUCTION

This Manual has been compiled as a statutory requirement in compliance with the provisions of section 51 of the Promotion of Access to Information Act, 2000, Act No. 2 of 2000 (“The Act”), which mandates all government bodies to compile and publish a manual indicating information/ records under its custody that are readily available to the public, as well as those that need to be requested through the provisions of the Act.

2. OBJECTIVES OF THE ACT

2.1. The objectives of PAIA are, *inter alia*–

- 2.1.1. to give effect to the constitutional right of access to information held by the state and any information that is held by another person that is required for the exercise or protection of any rights;
- 2.1.2. to give effect to the right of access to information; subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;
- 2.1.3. to give effect to the constitutional obligations of the state of promoting a human rights culture and social justice;
- 2.1.4. to establish voluntary and mandatory mechanisms or procedures to give effect to the right of access to information in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and

- 2.1.5. to promote transparency, accountability and effective governance of all public and private bodies.

3. PURPOSE OF THE MANUAL

- 3.1. This manual is intended to:
 - 3.1.1. Provide information on the Association`s structure, functions and services and how to gain access to them;
 - 3.1.2. Provide information about organisational contact information including details of postal, street and electronic mail addresses; phone and fax numbers of the Information Officer (IO) and the designated Deputy Information Officer (DIO);
 - 3.1.3. Provide a list of automatically available records under departmental custody;
 - 3.1.4. Provide a list of records categories accessible to members of the public by following the processes as stipulated in PAIA sections 11 and 18;
 - 3.1.5. Outline procedures to be followed by members of the public in accessing information held by the Association, in accordance with the provisions of the Act.

4. INFORMATION OFFICER

The Chairman of the board of the trustee or the board of directors (as the case may be) acts as the Information Officer in terms of the PAIA Act. However, for administration purposes these powers and duties have been delegated to the relevant representative of the duly appointed Managing Agent of the Association (hereinafter referred to as the “Deputy”). The contact details of the Information Officer and his/her Deputy is contained in Annexure “A” hereto.

5. ACCESS TO INFORMATION

5.1. INFORMATION AVAILABLE IN TERMS OF LEGISLATION

The following statutes are some of the most relevant statutes applicable to the operations of the Association being:

- 5.1.1. Deeds Registries Act, 47 of 1937;
- 5.1.2. Sectional Titles Act, 95 of 1986;
- 5.1.3. Sectional Titles Schemes Management Act, 8 of 2011;
- 5.1.4. Community Schemes Ombud Service Act, 9 of 2011;

- 5.1.5. Companies Act, 71 of 2008;
- 5.1.6. Basic Conditions of Employment Act, 75 of 1997;
- 5.1.7. Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 5.1.8. Employment Equity Act, 55 of 1998;
- 5.1.9. Labour Relations Act, 66 of 1995;
- 5.1.10. Occupational Health and Safety Act, 85 of 1993;
- 5.1.11. Rental Housing Act, 50 of 1999;

5.2. AVAILABLE RECORDS

The Association maintains the records as will appear from Annexure “B” hereto.

5.3. INFORMATION TO BE FORMALLY REQUESTED

- 5.3.1. The Association holds information pertaining to certain subjects which must be formally requested in terms of the PAIA. However, access to some of the information may be restricted in accordance with the provisions of Chapter 4 (Grounds for refusal of access to records in terms of Sections 33 – 45) of PAIA, unless –
 - 5.3.2. the disclosure of the information would reveal evidence of-
 - 5.3.2.1. a substantial contravention of, or failure to comply with the law; or
 - 5.3.2.2. an imminent and serious public safety or environmental risk; and
 - 5.3.3. the public interest in the disclosure of the record/information clearly outweighs the harm contemplated in the provision in question.

5.4. MATTERS TO BE CONSIDERED BY THE REQUESTER

Prior to submitting a request, the following are of critical importance to note:

- 5.4.1. That PAIA cannot be used to request the record or information for purposes of criminal or civil proceedings;
- 5.4.2. The information requested must be used for the exercise or protection of a person`s rights;
- 5.4.3. Where a public body makes a request, the public body must be acting the public`s interest;
- 5.4.4. All requests for information must be made in accordance with the prescribed procedures as outlined in this manual;

- 5.4.5. Requests must be made in terms of Section 10 of the PAIA as compiled by the South African Human Rights Commission;
- 5.4.6. The limitations or grounds for refusal of access to records are contained in Sections 33 – 45 of PAIA.

5.5. SUBMITTING A REQUEST

- 5.5.1. In submitting a request for the information, it is important that the requester state the capacity in which the request is being made, i.e., personal capacity or on behalf of another person.
- 5.5.2. A request for access must be made by completing the prescribed request form (Form A) attached as Annexure C below, paying the request fee and addressing it to the Information Officer /Deputy Information Officer.
- 5.5.3. The form must be signed by the requester, as well as all additional pages of documentation added to the request form.
- 5.5.4. A request can be made and accepted in an electronic submission of Form A.
- 5.5.5. Form A can be accessed by request to the Managing Agent of the Association which can be send either by fax, letter, or e-mail.
- 5.5.6. The requester must also indicate if the request is for a copy of the record or to inspect same at the offices the duly appointed Managing Agent of the Association.
- 5.5.7. Proof of payment of the prescribed fee must accompany a request. Payment must be made into the bank account of Amari Property Management as per the details stipulated in Section D of Annexure A.

5.6. GRANT OR REFUSAL FOR ACCESS TO THE RECORDS

- 5.6.1. Upon receipt of the request, the Information Officer or its deputy being the duly appointed Managing Agent of the Association shall as soon as possible and within 30 days after the request has been received, decide whether to grant the request or not and the requestor will be notified of the decision made.
- 5.6.2. The 30 days period within which a decision has to be made whether to grant or refuse the request, may be extended for a further period of not more than 30 days.

- 5.6.3. In case of an extension of the original 30 days period, the requestor will be informed in the prescribed manner of the reasons for such extension and the requestor may appeal to the relevant courts against an extension or any procedure relating to the extension.
- 5.6.4. If the decision is taken to grant access to the records as requested, access to the actual records will be given as soon as possible. Should the request for access be refused, the Association shall give the requestor written notice of such refusal containing the following:
- 5.6.4.1. reasons for the refusal;
 - 5.6.4.2. that the requestor may appeal to the High Court against the refusal and advising on the period for lodging such an appeal;
 - 5.6.4.3. that the deposit paid by the requestor will be refunded; and
 - 5.6.4.4. failure to respond by the Information Officer/Deputy within 30 days after a request has been received, will be deemed to constitute a refusal for access in terms of Section 27 of PAIA.
- 5.6.5. Appeal by the Requestor: A requestor who is dissatisfied with any decision of the Association in respect of a request for access to information can lodge an internal appeal and if the appeal is not successful or granted, then the High Court may be approached to seek redress. However, a requestor may only apply to the court after having exhausted all internal appeal processes. Should a requestor wish to lodge an internal appeal, the requestor must do so within 60 days after receiving the notice that the request was not approved or within 30 days if notice to a third party is required in terms of Section 49(1)(b). An internal appeal must be lodged in Form B attached as Annexure E below.

6. REVIEW OF THE MANUAL

This manual will be reviewed as required by Section 14(2) of PAIA or from time to time when necessary to accommodate the requirements of the public considering lessons learned from the requests received.

7. ACCESS OF THE MANUAL

The manual is available at the address of the duly appointed Managing Agent of the Association. A copy hereof will also be made available to the South African Human Rights Commission (“SAHRC”) as required by PAIA.

ANNEXURE A: CONTACT DETAILS

A. THE ASSOCIATION CONTACT DETAILS

Full names:	Amari Property Management (PTY) Ltd
Email address:	info@amaripm.co.za
Address:	27 Willie van Schoor Drive, Tyger Chambers 3, 2nd Floor, Oakdale, Bellville, 7530
Phone number:	021 006 1019

B. CHAIRMAN OF BOARD OF DIRECTORS – INFORMATION OFFICER

Full names:	Gerhardus Dirk Scheepers
Email address:	gerrie@amaripm.co.za
Address:	27 Willie van Schoor Drive, Tyger Chambers 3, 2 nd Floor, Oakdale, Bellville, 7530
Phone number:	021 006 1019

C. DEPUTY INFORMATION OFFICER – DULY AUTHORISED REPRESENTATIVE OF MANAGING AGENT

Gerhardus Dirk Scheepers
gerrie@amaripm.co.za
27 Willie van Schoor Drive, Tyger Chambers 3, 2 nd Floor, Oakdale, Bellville, 7530
021 006 1019

D. BANK ACCOUNT

Name of bank account:	Amari Property Management (Pty) Ltd
Account number:	401834417
Branch:	Tyger Manor
Bank:	Standard Bank

ANNEXURE B – AVAILABILITY OF RECORDS

- Requesters are referred to the guide in terms of section 10 of the Act which has been compiled by the South African Human Rights Commission. The guide contains information for the purposes of exercising Constitutional rights. The guide is available in all South African official languages free of charge and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:
- Postal Address: **The South African Human Rights Commission, PAIA Unit, Private Bag 2700, Houghton, 2041**
- Telephone Number: **(011) 484 8300**
- Fax Number: **(011) 484 0582**
- Email: **PAIA@sahrc.org.za**
- Website: **www.sahrc.org.za**

The Association maintains the following categories of records and related subject matters. The status of the record’s availability, the purpose for its processing and the relevant data subject category to who the record relates are set out below:

• Category:	• Record:
<ul style="list-style-type: none"> • Records in respect of the Association 	<ul style="list-style-type: none"> • Annual Financial Statements
	<ul style="list-style-type: none"> • Correspondence
	<ul style="list-style-type: none"> • Contracts/Service Level Agreements
	<ul style="list-style-type: none"> • Client Internal Information
	<ul style="list-style-type: none"> • Legal Documentation
	<ul style="list-style-type: none"> • Proposal and Tender Documentation
<ul style="list-style-type: none"> • Regulatory / Administrative 	<ul style="list-style-type: none"> • Policies and procedure documentation
	<ul style="list-style-type: none"> • Codes of Conduct
	<ul style="list-style-type: none"> • Memorandum of Incorporation
	<ul style="list-style-type: none"> • Minutes of Meetings

	<ul style="list-style-type: none"> • Register of Board of Directors / Trustees
	<ul style="list-style-type: none"> • Internal correspondence (e-mails/memos)
	<ul style="list-style-type: none"> • Insurance Policies held by Association
	<ul style="list-style-type: none"> • Employment Contracts
	<ul style="list-style-type: none"> • Personal Information of Employees
	<ul style="list-style-type: none"> • Disciplinary Records
	<ul style="list-style-type: none"> • Salary Records
	<ul style="list-style-type: none"> • Employee Benefit Records
	<ul style="list-style-type: none"> • PAYE Records
	<ul style="list-style-type: none"> • Returns to UIF
	<ul style="list-style-type: none"> • Disciplinary Code
	<ul style="list-style-type: none"> • Leave Records
<ul style="list-style-type: none"> • Financial 	<ul style="list-style-type: none"> • Financial Statements
	<ul style="list-style-type: none"> • Financial and Tax Records
	<ul style="list-style-type: none"> • Asset Register
<ul style="list-style-type: none"> • Third Party 	<ul style="list-style-type: none"> • Rental agreements
	<ul style="list-style-type: none"> • Supplier Contracts

ANNEXURE C

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

FOR DEPARTMENTAL USE	
Reference number	_____
Request received by (state rank, name and surname of information officer/deputy information officer)	_____
on (date)	_____ at
(place).	_____
Request fee (if any):	R
Deposit (if any):	R
Access fee:	R

SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER	

A. Of the Association

The relevant Information Officer/Deputy Information Officer

B. Particulars of person requesting access to the record

- a) The particulars of the person who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.*
- (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: _____

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, therefore.*

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:	
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Mark the appropriate box with an "X".

NOTES:

(a) Your indication as to the required form of access depends 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
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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*	
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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)	
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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)	
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*If, you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **A postal fee is payable.**

YES		NO	
-----	--	----	--

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? _____

G. 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 thereof 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 (day) of (month) (year)

SIGNATURE OF REQUESTER/ PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE D

PRESCRIBED FEES

The prescribed fees are summarised in accordance with Part II of the Government Notice (R187) published in the Government Gazette on 15 February 2002.

FEE DESCRIPTION		RAND value
Request Fees [Section 22(8)]		
1.	The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2).	35,00
Reproduction Fees [Section 15(3)] (apply to the reproduction of records that are voluntarily or that are made available automatically) disclosed		
2.	The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.	0,60 per page
2.1	The fees for reproduction referred to in regulation 7(1) are as follows:	
2.1.1	For every photocopy of an A4-size page or part thereof	0,60
2.1.2	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
2.2	For a copy in a computer-readable form on:	
2.2.1	stiffy disc	5,00
2.2.2	compact disc	40,00
2.3	For a transcription of visual images:	
2.3.1	for an A4-size page or part thereof	22,00
2.3.2	for a copy of visual images	60,00
2.4	For a transcription of an audio record:	
2.4.1	for an A4- size page or part thereof	12,00
2.4.2	for a copy of an audio record	17,00
Access Fees (apply to records requested by means of the PAIA request form)		
3.	(1) The access fees payable by a requester referred to in regulation 7(3) are as follows:	
3.1	For every photocopy of an A4-size page or part thereof	0,60
3.2	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40

3.3	For a copy in a computer-readable form on:	
3.3.1	stiffy disc	5,00
3.3.2	compact disc	40,00
3.4	For a transcription of visual images	
3.4.1	for an A4-size page or part thereof	22,00
FEE DESCRIPTION		RAND value
3.4.2	for a copy of visual images	60,00
3.5	For a transcription of an audio record	
3.5.1	for an A4- size page or part thereof	12,00
3.5.2	for a copy of an audio record	17,00
Search and Preparation Fees		
4.	search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search a preparation	15,00 per hour excl. 1st hour
Deposit Required [Section 22(2)]		
5.	(2) For purposes of section 22(2) of the Act, the following apply:	
5.1	six hours as the hours to be exceeded before a deposit is payable; and	
5.2	one third of the access fee is payable as a deposit by the requester	
Postal Fees		
6.	(3) The actual postal fee is payable when a copy of a record must be posted to a requester	

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE NUMBER: _____

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) The particulars of the person who lodge the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

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 requester

This section must be completed only if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E. Grounds for appeal

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

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:

Particulars of manner:

Signed at this day of (day) of (month) (year)

SIGNATURE OF APPELLANT

ANNEXURE F - DEFINITIONS

- 1.1. **DATA SUBJECT** means the person to whom personal information relates to.
- 1.2. **FURTHER PROCESSING** means processing personal information for a process other than what it was initially collected for.
- 1.3. **GROSS NEGLIGENCE** means a conscious, voluntary act or omission in the reckless disregard of a legal duty to keep personal information safe and therefore at the consequence of another.
- 1.4. **HEAD** in relation to the Association means the Chairman of the Board of Trustees or Directors.
- 1.5. **INFORMATION OFFICER** means the person who is responsible for ensuring the Association's compliance with POPIA. The Chairperson of the Association is elected as the designated Information Officer. The Information Officer must be registered with the South African Information Regulator that has been established under POPIA prior to the commencement of his/her duties. The Association may elect a Deputy Information Officer to assist the Information Officer with his/her duties.
- 1.6. **PAIA** means the Promotion of Access to Information Act 2 of 2000.
- 1.7. **PERSON** means a natural person or a juristic person.
- 1.8. **PERSONAL INFORMATION** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;

- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person and;
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

1.9. PERSONAL REQUESTER means a requester seeking access to a record containing Personal Information about the requester.

1.10. POPIA refers to the Protection of Personal Information Act 4 of 2013.

1.11. PRIVATE BODY Means a natural person who carries or has carried on any trade, business or profession, but only in such capacity, a partnership which carries or has carried on any trade, business or profession or any former or existing juristic person, but excludes a public body.

1.12. PUBLIC BODY means a natural person who carries or has carried on any trade, business or profession, but only in such capacity, a partnership which carries or has carried on any trade, business or profession or any former or existing juristic person, but excludes a public body.

1.13. PUBLIC RECORD

means a record that is accessible in the public domain and which is in the possession of or under control of a public body, whether or not it was created by a public body.

1.14. RECORD

means any recorded information-

- a) regardless of form or medium, including any of the following;
 - (i) writing of any material;
 - (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - (iv) book, map, plan, graph or drawing;
 - (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- b) in the possession or under the control of a responsible party;
- c) whether or not it was created by a responsible party; and
- d) regardless of when it came into existence.

- 1.15. **RESPONSIBLE PARTY** means a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information.
- 1.16. **REQUESTER** in relation to the Association means any person, including, but not limited to a public body or an official thereof, making a request for access to a record of the Association or a person acting on behalf of such a person.
- 1.17. **REQUEST FOR ACCESS** means a request for access to a record of the Association in terms of section 50 of PAIA.
- 1.18. **THE ASSOCIATION** means Amari Property Management (Pty) Ltd and all Trustees and / or Managing Agents who are responsible for the storage, processing, protection and destruction of all Personal Information.
- 1.19. **THIRD PARTY** in relation to a request for access to a record held by the Association, means any person other than the requester.
- 1.20. **WILFUL MISMANAGEMENT** means intentionally managing personal information without care and wrongfulness.