

**Registration Number: 1995/013780/08**

**CENTURION HOME OWNERS ASSOCIATION NPC**

**MANUAL**

**In terms of Section 51 of**

**The Promotion of Access to Information**

**Act 2 of 2000**

Date of Compilation: 14.08.2015  
Date of Revision: 08.12.2015



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**MANUAL**  
**OF**  
**CENTURION HOME OWNERS ASSOCIATION NPC**  
**REGISTRATION NUMBER: 1995/013780/08**  
**(HEREINAFTER REFERRED TO AS "CHOA")**

**Prepared in accordance with Section 51 of the Promotion of Access to  
Information Act No. 2 of 2000**

**1. INTRODUCTION**

In terms of Section 32(1)(b) of the Bill of Rights in the Constitution of the Republic of South Africa, Act no 108 of 1996, every person has a right to access to information held by another person when that information is required for the exercise or protection of any rights and the rights of access to any information held by a public or private body may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

In order to fulfil this constitutional obligation, the Promotion of Access to Information Act 2 of 2000 ("the Act") was assented to by Parliament. The motivation for giving effect to the right to access to information is to:

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right to access to information
- actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights



Section 9 of the Act recognizes that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:

- limitation aimed at the reasonable protection of privacy
- commercial confidentiality
- effective, efficient and good governance

In a manner which balances that right with any other rights.

## **2. PURPOSE**

This manual is prepared in accordance with Section 51 of the Act and the purpose thereof is to facilitate requests for access to information from CHOA.

CHOA makes no representation and gives no undertaking or warranty that the information provided in this manual or any information provided to a requester is complete or accurate.

## **3. INTRODUCTION TO CHOA**

CHOA was incorporated as a non-profit company in terms of the provisions of the Companies Act (71 of 2008). It has as its purpose the management of the estate known as Centurion Residential Estate & Country Club. Owners of the property within the estate automatically qualify as members of the CHOA with rights and obligations as set out in the MOI's Memorandum of Incorporation.

## **4. CONTACT DETAILS**

### **INFORMATION OFFICER**

**Name:** Mr Jaco Venter (General Manager)

**Physical Address:** Centurion Home Owners Association NPC Offices  
41 Centurion Drive  
Centurion Residential Estate & Country Club  
Highveld X7  
0157

**Postal Address:** P O Box 66717

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Highveld  
0157  
**Telephone Number:** (012) 665 0506  
**Fax Number:** (012) 665 0505  
**E-mail:** gm@choa.co.za  
**Website:** www.choa.co.za

**5. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

The Guide is available from the South African Human Rights Commission.

Please direct any queries to:

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

Postal Address: Private Bag 2700  
Houghton  
2041  
Telephone Number: (011) 484 8300  
Fax Number: (011) 484 0582  
Website: www.sahrc.org.za  
E-mail: PAIA@sahrc.org.za

**6. INFORMATION AVAILABLE IN TERMS OF SECTION 51(1)(D) OF THE ACT**

CHOA has records available in terms of the following legislation if and where applicable:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 61 of 1973
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Constitution of the Republic of the South Africa 108 of 1996
- Debt Collectors Act 114 of 1998

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- Deed Registries Act 47 of 1937
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Identification Act 68 of 1997
- Income Tax Act 58 of 1962
- Security Services Act 36 of 2004
- Insolvency Act 24 of 1936
- The Labour Relations Act 66 of 1995
- Skills Development Levies Act 9 of 1999
- Skills Development Act 1998
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act of 2002
- Value Added Tax Act 89 of 1991
- Consumer Protection Act 68 of 2008

**7. PAIA: THE OBJECTS OF THE ACT ARE:**

- a. To give effect to the constitutional right of access to
  - i. Any information held by the state; and
  - ii. Any information that is held by another person and that is required for the exercise or protection of any rights;
  
- b. To give effect to that right:
  - i. 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
  - ii. In a good manner which balances that right with any other rights, including the rights in the Bill of rights in chapter 2 of the constitution.

**8. INFORMATION AVAILABLE IN TERMS OF SECTION 51(1)(C) AND (E)**

Records that may be requested with prior application for access:

INCORPORATION DOCUMENTS

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- Memorandum of Incorporation

#### STATUTORY SECRETARIAL RECORDS

- Company policies, rules and regulations
- Minutes of board meetings
- Copies of statutory forms
- Regulations

#### FINANCIAL RECORDS

- Accounting records, books and documents
- Annual financial reports
- Details of external auditors
- External auditor's reports in respect of audits conducted on the company
- Tax returns
- Other documents and agreements pertaining to tax

#### HUMAN RESOURCES / EMPLOYMENT RECORDS

- List of employees
- Policies and procedures relating to appointments, dismissals, resignations, disciplinary coded and procedures
- Arbitration orders and agreements
- Attendance registers
- Promotions criteria
- Job profiles

#### INSURANCE RECORDS

- Short term public liability insurance
- Fidelity fund insurance
- Short term insurance

#### IMMOVABLE AND MOVEABLE PROPERTY

- Asset register
- Title deeds of land owned by CHOA
- Agreements for the lease or sale of land and/or other immovable property
- Agreements for the lease of movable property

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- Mortgage bonds, notarial bonds or security interest on property
- Other agreements for the purchase, ordinary sale, conditional sale or hire of assets

#### CUSTOMER RELATED AGREEMENTS

- Agreements for the supply of production and/or trading credit
- Details of clients and correspondence
- Invoices, receipts, credit and debit notes

#### EXTERNAL AND INTERNAL COMMUNICATION

- Publications in newspapers and magazines
- Press releases
- Company newsletters

#### CUSTOMER CARE

- Client survey report
- Complaints

#### MISCELLANEOUS AGREEMENTS AND LEGAL DOCUMENTS

- Suretyship agreements
- Agreements with suppliers
- Service level agreements
- Legal opinions

### **9. THE REQUESTS PROCEDURE**

A request must be directed to the Information Officer or any authorized person.

The requester must use the prescribed form to request access to a records. This must be made to the address, fax number or electronic mail address of the Information Officer.

The form must be adequately completed, with sufficient information and details particularly to enable CHOA to identify

- by whom the request is made
- exact reference to records being requested
- access fee in the event that access is granted



The requester should also indicate which form of access is required and

- the preferred language if applicable
- whether the requester wishes to be informed of the decision in another manner in addition to a written reply
- a fax number, e-mail address and/or postal address

The requester must indicate the right he wishes to exercise or protect and provided reasons or an explanation as to how the particular record is relevant and required in order to exercise or protect the relevant right.

Requests made in a representative capacity or on behalf of another person, must be accompanied by proof of the capacity and/or mandate and/or authorization in this regard.

If an individual is unable to complete the prescribed form due to reasons relating to illiteracy of disability, such a person may make the request verbally.

The requester must pay the prescribed fee before any further processing can take place.

## **10. FEES AND PROCESS OF REQUEST**

The Act provides two types of fees, namely:

- A request fee, which will be a standard fee (currently R50-00)
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postage.

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fees.

When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed fee (if any) before further processing of the request. The requester may lodge an application to the court against the tender or payment of the request fee.

After the Information Officer has made a decision on the request, the requester must be notified in the required form.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangement to make it available in the requested form.

If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hour prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the required fees.

#### **11. RECORDS THAT CANNOT BE FOUND**

If CHOA searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of any affidavit. This affidavit will indicate the steps that were taken to try to locate the record.

#### **12. PRESCRIBED FORMS AND FEES**

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at [www.doi.gov.za](http://www.doi.gov.za) under the regulations section and are summarized as follows:

12.1 The fee for 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.

12.2 The fees for reproduction referred in regulation 11(1) and 11(3) 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 age 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

\* Compact disk R70-00

d. Visual images

\* Transcription on A4-size page or part thereof R40-00

\* Copy R60-00

e. Audio record

\* Transcription on A4-size page or part thereof R20-00

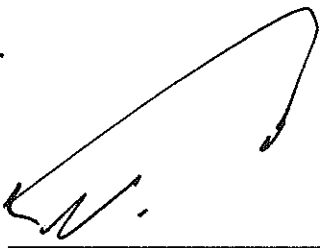
\* Copy R30-00

12.3 To search for and prepare the record for disclosure, per hour or part of an hour reasonably required for such search and preparation R30-00

12.4 If the search and preparation exceeds 6 hours, a deposit of one third of the access fee is payable by the requester

12.5 The actual postage is payable when a copy of a record must be posted to a requester

**DATED at CENTURION on this 14<sup>th</sup> day of AUGUST 2019.**

A handwritten signature in black ink, consisting of a large, sweeping loop followed by a few smaller strokes, positioned above a horizontal line.

On behalf of CENTURION HOME OWNERS ASSOCIATION