CARLSWALD NORTH LIFESTYLE ESTATE HOMEOWNERS' ASSOCIATION NPC

(''CNLEHOA'')

NPC Registration Number: 2004/018374/08

MANUAL IN TERMS OF SECTION 51
OF THE
PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000

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1. INTRODUCTION AND PURPOSE OF THE MANUAL

1.1 This manual is published in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution of South Africa, which provides that "everyone has the right of access to any information held by another person and that is required for the exercise and/or protection of any right". Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

1.2 The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such requested information, other than in terms of the Act.

1.3 It is important to note that the Act recognizes certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

2. SCOPE OF APPLICATIONS

2.1 This manual has been prepared in respect of Carlswald North Lifestyle Estate Homeowners Association (incorporated under section 21), registration number 2004/018374/08. Carlswald North Lifestyle Estate Homeowners Association shall be referred to as "CNLEHOA" for the purposes of this manual. CNLEHOA is incorporated in terms of the Companies Act of 2008, an association without share capital. CNLEHOA is responsible for the enforcement of the rules and for the control, administration and management of the Estate for the benefit of all owners.

2.2 The Information Officer named below is appointed in respect of CNLEHOA in its entirety.

3. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT: CONTACT DETAILS

Name of Private Body:	Carlswald North Lifestyle Estate Homeowners Association
Head of Business:	Board of Directors
Information Officer (IO):	Denzil Pillay
Email address of IO:	estatemanager@carlswaldnorth.com
Deputy IO:	Pieter Cornelius Jacobus Oberholzer
Email address of Deputy IO:	opsmanager@carlswaldnorth.com
Postal address:	Private Bag x1, Witkoppen, 2068
Physical address:	Tamboti Road, Midrand, 1685

Phone number: 072 791 5180
E-mail address: admin@carlswaldnorth.com

Website: www.carlswaldnorth.com

4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

4.1 A guide has been prepared by the South African Human Rights Commission in accordance with Section 10 of the Act. The guide contains such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act.

4.2 This guide is available from the SAHRC at their address as detailed below:

Division: PAIA UNIT
Physical address: 27 Stiemens Street, Braamfontein
Phone number: 011 877 3600
Email: tsebulela@sahrc.org.za
Website: www.sahrc.org.za

5. CATEGORIES OF INFORMATION AVALABLE WITHOUT REQUEST IN TERMS OF SECTION 51 (1) (c)

5.1 No notice in terms of Section 52(2) of the Act, regarding the categories of records of CNLE HOA, which are available without request, has been published.

5.2 No records are freely available, and all information must be requested.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1) (d)

CNLEHOA keeps records in accordance with the following legislation, to the extent that the relevant Act is applicable, all of which are available,subject to such legislation:

· Basic Conditions of Employment Act, No. 75 of 1997
· Companies Act, No. 71 of 2008
· Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
· Constitution of the Republic of South Africa, No. 108 of 1996
· Consumer Protection Act 68 of 2008
· Debt Collectors Act, No. 114 of 1998
· Electronic Communications and Transactions Act 25 of 2002
· Estate Agents Affairs Act, No. 112 of 1976
· Employment Equity Act, No. 55 of 1998
· Income Tax Act, No. 58 of 1962

· Intellectual Property Laws Amendment Act, No.38 of 1997
· Labour Relations Act, No. 66 of 1995
· Non-profit Organisations Act, 71 of 1997
· Occupational Health & Safety Act, No. 85 of 1993
· Protection of Personal Information Act, No. 4 of 2013
· Promotion of Access to Information Act, No. 2 of 2000
· Skills Development Act, No. 97 of 1998
· Skills Development Levies Act, No. 9 of 1999
· Unemployment Contributions Act, No. 4 of 2002
· Unemployment Insurance Act, No. 63 of 2001
· Value Added Tax Act, No. 89 of 1991

7. CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)

The following are the subject and categories on which CNLEHOA holds records as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with section 62 to 69 of the Act.

7.1 Human resources

· Personal records of the personnel.
· Employments contracts.
· Appraisal records.
· Biometric registration records.
· Click-on registration records.
· Interview and appointment records.
· Workman's Compensation records.
· Retirement benefit records.
· Disciplinary records.
· Salary records.
· Training records.
· Correspondence relating to personnel.
· Leave records.
· UIF returns.
· Internal policies and procedures.

7.2 Secretarial

· Annual AGM/SGM – Minutes, Director's reports/packs.
· Communiques.
· Memorandum of Incorporation.
· Code of Conduct for Directors.
· Minutes of the Board of Directors meetings.

· Company Register and other statutory registers.
· Records relating to the appointment of directors/auditors and other officers.
· Company Resolutions.
· Conduct Rules.
· Minute Book.
· Architectural Guidelines.
· Newsletters.
· Any other Company Governance documents.
· Council Compliance Certificates.

7.3 Financial and administration

· Annual Audited Financial Statements.
· Annual Budget and Summary Budget Performance Statements.
· Auditor's Files.
· Company's accounting records, Bank Statements, creditor and debtor accounts.
· VAT Records.
· PAYE records.
· Fixed asset register.
· Banking records.
· Management reports.
· Invoices.
· Levy roll.
· SARS Files.
· Company Insurance Policy/Policies.
· BEE Statistics.

7.4 Information Management and Technology

· Services Level Agreements.
· Equipment Register.
· Policies, Procedures and guidelines.
· Licensing agreements.

7.5 Marketing and communication

· Marketing strategies.
· Communications strategies.
· Legal Agreements/Contracts.

7.6 Security

· Biometrics registration, access and egress details.
· CCTV footage – going back 3 months only.

· Service Level Agreements/Contracts.
· Standard Operating Procedures.

7.7 Safety Records

· Occupational Health and Safety records.
· Records of incidents, reports and findings in the workplace.
· Health and Safety Registers.

7.8 Management

· Correspondence with Local Authority/Government Departments (where applicable)
· Developer Agreements and Contracts.
· Litigation cases between the CNLEHOA and third parties.
· Records, reports, designs and the like generated by CNLEHOA for their clients and members.
· Records generated pertaining to Clients and Members, including transactional records.
· Minutes of Maintenance meetings.
· Maintenance schedules and checklists.
· Official Correspondence with company Auditors, Attorneys, and Financial Institutions.
· Official Correspondence with Debtors and Creditors.
· Official Correspondence with Members and Residents.
· Official correspondence with Service Providers.
· Registration details and contracts with Estate Agents.
· Contracts/Service Level Agreements with Service Providers.
· Utility records including water/electricity usage and readings.

7.9 Members

· Biometric access and egress movement details.
· Biometric registration details.
· Click-on ingress and egress movement details.
· House plans.
· Council Compliance Certificates.
· Levy Account details.
· Litigation between the members and Association, including Debt Collection.
· Member’s Files.
· Ownership details and votes.
· Property sales, clearance information and transfer documents.
· Registration of Contractors and Domestic workers.
· Tenant information and personal details.
· Vehicle, motorcycle registration.

8. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)

8.1 A person who wants access to the records must complete the necessary request form, that is available at the offices of **CNLEHOA.** A request shall be made on the prescribed form, a copy of the form is attached and marked annexure "A" ("prescribed form"). The prescribed form is also available from SAHRC website (www.sahrc.org.za) , alternatively from the Information Regulator enquiries@inforegulator.org.za or the Department of Justice and Constitutional Development (www.doj.gov.za).

8.2 The prescribed form shall be submitted to the Information Officer at the address, or electronic mail address provided for herein, and upon payment of the prescribed fees. The Information Officer shall upon receipt of the request in the prescribed form acknowledge receipt of the request and advise if there any prescribed fees payable or not and the manner of payment.

8.3 The prescribed form must be completed with enough particularity to enable the Information Officer to identify:

8.3.1 the record(s) requested;

8.3.2 the identity of the requester;

8.3.3 indicate which form of access is required, if the request is granted;

8.3.4 specify the postal address, fax number or electronic address of the requester in the Republic.

8.3.5 the requester may also collect the records at the CNLEHOA Estate Office situated at Tamboti Road, Midrand.

8.4 The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right (section 53(2) (d)).

8.5 The requester may provide any of the following forms for the Information Officer to identify the requester, Proof of Residence which can include a Levy statement, official South African identity documents or valid passport. Where the requester is a tenant, a copy of the rental agreement where there is a clear indication of his/her identity will also be required.

8.6 The requester will be informed in writing, within 30 days of receipt of the request, whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required (section 53(2)(a) and (b) and (c) and (e). The period of 30 days refers to working days as per Chapter 1 of PAIA.

8.7 If a request is made on behalf of another person, the prescribed form is required to be completed and the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer(section 53(2)(f)).

8.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

8.9 CNLEHOA will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer, that circumstances dictate that the 30 day period within which to process the request not be adhered to or followed.

8.10 The Information Officer may decide to extend the period of 30 days ("original period")for another period of not more than 30 days if –

8.10.1 the request is for a large number of records;
8.10.2 the search of the records is to be conducted at premises not situated in the same town or city as the office of the CNLEHOA;
8.10.3 consultation among the Board of Directors is required;
8.10.4 the requester consents to such an extension in writing; and
8.10.5 the parties agree in any other manner to such an extension.

8.11 Should CNLEHOA require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

8.12 The requester will be notified of the decision of the Information Officer in the manner indicated by the requester.

8.13 If the request is granted, the requester shall be informed by the Information Officer in the manner indicated by the requester in the prescribed form.

8.14 Notwithstanding the aforegoing, the Information Officer will advise the requester in the manner stipulated by the requester in the prescribed form of-

8.14.1 the access fee to be paid for the information (in accordance with paragraph 10);

8.14.2 the format in which access will be given; and

8.14.3 the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.

8.15 After access is granted, actual access to the record requested will be given as soon as reasonably possible.

8.16 If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall state –

8.16.1 adequate reasons for the refusal.

8.16.2 that the requester may lodge an appeal with a court of competent jurisdiction against

the refusal of the request (including the period) for lodging such an appeal.

8.17 Upon the refusal by the Information Officer, the deposit paid by the requester will be refunded.

8.18 If the Information Officer fails to respond within 30 days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the Information officer has refused the request.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main reason(s) why CNLEHOA may refuse a request for information relates to the:

9.1 protecting of personal information regarding a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (section 63);

9.2 protection of confidential commercial information of a third party, if the record contains:

9.2.1 trade secrets of that third party.

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

9.2.3 information disclosed in confidence by a third party to CNLEHOA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);

9.3 mandatory protection of the safety of individuals and the protection of property (section66);

9.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67).

9.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

9.6 the management activities of CNLEHOA.

9.7 information which, if disclosed could put CNLEHOA at a disadvantage in negotiations, requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. FEES PAYABLE

10.1 The request fees payable by a requester referred to in Regulation 11(3) of the PAIA Regulations are as per below. For ease of reference refer to Annexure “B”, marked “Schedule of Fees”.

10.1.1 for every photocopy of an A4 size page or part thereof R1,10

10.1.2 for every printed copy of an A4-size page or part thereof held on a computer or in

electronic or machine-readable form R0,75

10.1.3 for a copy in a computer – readable form:

10.1.4 for a transcription of visual images for an A4 size page or part thereof R40,00

10.1.5 for a copy of visual images R60,00. Visual Images may at the discretion of the Information Officer be supplied via any electronic means available

10.1.6 for a transcript of an audio record, for an A4-size page or part thereof R20,00

10.1.7 for a copy of an audio record R30,00

10.1.8 to search and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

10.2 The fees for reproduction of a record as referred to in section 52 (3) are as per below. For ease of reference refer to Annexure "B", marked "Schedule of Fees".

10.2.1 for every photocopy of an A4 size page or part thereof R1,10

10.2.2 for every printed copy of an A4-size page or part thereof R0,75

10.2.3 for a copy of a compact disc R70,00. Visual Images may at the discretion of the Information Officer be supplied via any electronic means available

10.2.4 for a transcript of visual images for an A4 size page or part thereof R40,00

10.2.5 for a copy of visual images R60,00. Visual Images may at the discretion of the Information Officer be supplied via any electronic means available

10.2.6 for a transcript of an audio record, for an A4-size page or part thereof R20,00

10.2.7 for a copy of an audio record R30,00

10.3 The request fee payable by a requester, other than a personal requester is R50,00.

10.4 If the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.

10.5 The method of payment is for the amount to be paid into the Whitfield's Trust management account and marked as "Request for Information Payment". The proof of payment must be sent to estatemanager@carlswaldnorth.com. The banking details may be obtained via an email request to estatemanager@carlswaldnorth.com.

11. REMEDIES AVAILABLE WHEN CNLEHOA REFUSES A REQUEST FOR INFORMATION

11.1 Internal Remedies

CNLEHOA does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requester will have to exercise such external remedies at their disposal if the request for information is refused, or for the fees payable,or is unhappy with the quality of information provided, or the requester is not satisfied with the answer supplied by the Information Officer.

11.2 External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, apply to a Court for relief. For the purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

11.3 Availability of this Manual

11.3.1 This manual is available for inspection by the general public upon request,during office hours and free of charge at the physical address of CNLEHOA or via its appointed Managing Agents at the time of the request.

11.3.2 Copies may also be requested from the SAHRC and/or the Information Regulator.

11.3.3 This manual is available on the CNLEHOA website.

12. INFORMATION OR RECORDS NOT FOUND

12.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

12.2 The affidavit or affirmation shall provide a full account of all the steps taken to find therecord or to determine the existence thereof, including details of all communications by the Information Officer with every person who conducted the search.

12.3 The notice, as set out in 12.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

12.4 If the record in question 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 access is refused by the Information Officer.

13. THIRD PARTY INFORMATION

13.1 If access is requested to a record that contains information about a third party, CNLEHOA is obliged to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

13.2 In the event of the third party furnishing reasons for the support or denial of access, the

Information Officer will consider these reasons in determining whether access should be granted, or not.

14. TRANSBORDER INFORMATION FLOWS

14.1 In some cases, the third parties to whom we may disclose your personal information may be located outside your country of residence (for example, in a cloud service, system or server), and may be subject to different privacy regimes.

14.2 When CNLEHOA discloses personal information overseas, it will take appropriate safeguards to protect your personal information to ensure that the recipient will handle the information in a manner consistent with this policy and the level of protection provided for in the Protection of Personal Information Act 4 of 2013.

15. PROTECTION OF PERSONAL INFORMATION ACT NO.4 OF 2013 (POPIA/ POPI)

15.1 The purpose of processing Personal Information, a description of Data Subjects and of the Personal Information or categories of Personal Information relating thereto, the recipients or categories of recipients to whom the Personal Information may be supplied, the transborder flows of Personal Information, security measures to be implemented by a responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed and all related procedures and processes relating to the collection, processing and storage of Personal Information, is contained in the CNLEHOA POPI Policy, POPI Operating Procedures Manual, together with all relevant Annexures and forms and adopted by CNLEHOA prepared in accordance with the provisions and guidelines identified as set out in POPI and the Act.

16. AUDITS IN TERMS OF PAIA

16.1 The Information Officer and/or his Deputy shall undertake to perform an annual audit to determine the adherence to this manual and the relevant legislation.

17. REVIEW AND MONITORING OF THIS MANUAL

17.1 This manual may be reviewed annually and at such times as the need to consider amendments if deemed necessary and appropriate by legislation. This process must be prompted by the Information Officer. Any changes to this manual will require approval from the Board of Directors.

18. ADOPTION AND REVIEW TABLE

The signatories confirm their acceptance and recommend the adoption of the Policy.

DESIGNATION	SIGNATURE	DATE SIGNED
BOARD OF DIRECTORS	Per Board resolution	25 May 2022
DATE OF REVIEW	May 2022	25 May 2022

ANNEXURE A

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 Name 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 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 isknown 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.* ***Therequester 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 for exemption.*

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 4hereunder, 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 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 informedif 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 informationderived from the record*		copy in computer readable form* (stiffyor 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

F. 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:

.....

.....

.....

G. Notice of decision regarding request for access

You will be notified in writing, via email, 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 of..... 20 .....

_____

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE “B” SCHEDULE OF FEES

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. If none of the exemptions contained in Government Notice GN R.991 dated 14 October 2005 apply (a copy of which is also attached for your reference), the following charges are payable:

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees[1]

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

3. Access fees[2]

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

4. Other fees

A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester.

A search fee may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose. If the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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1 Section 52(3) and Regulation 11(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2). See also paragraph 6 of Part 1 of this work.

4 Annexure “A”, Part III, Item 4(1)(f).

5 Section 54(2).

PART III - FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for everyphotocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a 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:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(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.

GN R.991 of 14 October 2005: Exemptions and determinations for purposes of section 22 (8)

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22 (8) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) hereby—

(a) exempt the following persons from paying the access fee contemplated in section 22 (6) of the Act:

(i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 712,00 per annum; and

(ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R27 192,00 per annum, and

(b) determine that—

(i) where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fee does not apply;

(ii) the access fee contemplated in section 22 (6) of the Act does not apply to the personal record of a requester; and

(iii) the request fee contemplated in section 22 (1) of the Act and the access fee contemplated in section 22 (6) of the Act do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of amaintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

SCHEDULE

For purposes of paragraph (a) (i) and (ii) of the notice the following deductions are permissible:

(a) Employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);

(b) contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act No. 4 of 2002);

(c) compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee.

(d) contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18 (1) (a) of the Income Tax Act, 1962 (Act No. 58 of 1962).

(e) contributions to pension funds in terms of section 13A of the Pension Funds Act,1956 (Act No. 24 of 1956);

(f) rent or mortgage instalments to the maximum of R12 000,00 per annum;

(g) maintenance paid in terms of a court order; and

(h) school fees, except school fees paid to a private school.

B.S. MABANDLA, MP
Minister for Justice and Constitutional Development