



P E C A N W O O D
— E S T A T E —
H O M E O W N E R S A S S O C I A T I O N

PECANWOOD ESTATE HOMEOWNERS ASSOCIATION NPC

REGISTRATION NUMBER: 1997/12330/08

**Manual prepared in accordance with 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 The purpose of this manual in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (“the Manual” and “the Act” respectively) is -
- 1.1.1 to make available to potential requesters, information regarding the records held by Pecanwood Estate Home Owner’s Association NPC (registration number: 1997/12330/08) (“Pecanwood”);
 - 1.1.2 to define the manner and form in which a request for information (“the Information Request”) must be submitted to Pecanwood; and
 - 1.1.3 to set out the criteria and grounds, derived from the Act, to be applied by Pecanwood in granting or refusing an Information Request.
- 1.2 The Manual may be amended from time to time. As and when amendments are effected, the latest version of the Manual will be made public.

2. INFORMATION AND CONTACT DETAILS IN TERMS OF SECTION 51(1)(A) OF THE ACT

- 2.1 Name of body: Pecanwood Estate Home Owners Association NPC
- 2.2 Head of the body: Francois Schoeman (Chief Executive Officer)
- 2.3 Postal address: PO Box 302, Broederstroom, 0240
- 2.4 Physical address: R512, Provincial Road, Broederstroom, North West Province
- 2.5 Phone number: +27 12 244 1900
- 2.6 Electronic mail address: ceo@pecanwoodhoa.co.za

3. **GUIDE IN TERMS OF SECTION 10 OF ACT [SECTION 51(1)(B)]**

- 3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any of the requester's rights. If a public body lodges a request for the records as such, it must be acting in the public interest.
- 3.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided, which is dealt with in sections 6 and 7 of the Act.
- 3.3 In terms of section 10 of the Act, the South African Human Rights Commission ("the SAHRC") published a guide to assist persons wishing to exercise their rights in terms of the Act.
- 3.4 The aforementioned guide can be accessed through the SAHRC's website on www.sahrc.org.za, or queries must be directed to -

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700

**Physical address: 29 Princess of Houghton
2041 Wales Terrace
cnr York and St Andrews Streets
Parktown
Johannesburg**

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

4. **RECORDS KEPT IN TERMS OF APPLICABLE LEGISLATION [SECTION 51(1)(c)]**

Pecanwood keeps records in accordance with the following legislation -

- 4.1 Basic Conditions of Employment Act (Act No. 75 of 1997)
- 4.2 Companies Act (Act No. 61 of 1973)

- 4.3 Compensation for Occupational Injuries and Diseases Act (Act No.130 of 1993)
- 4.4 Employment Equity Act (Act No. 55 of 1998)
- 4.5 Income Tax Act (Act No. 95 of 1967)
- 4.6 Insurance Act (Act No. 27 of 1943)
- 4.7 Labour Relations Act (Act No. 66 of 1995)
- 4.8 Medical Schemes Act (Act No. 131 of 1998)
- 4.9 Occupational Health and Safety Act (Act No. 85 of 1993)
- 4.10 Pension Funds Act (Act No. 24 of 1956)
- 4.11 Skills Development Levies Act (Act No. 9 of 1999)
- 4.12 Skills Development Act (Act No. 97 of 1998)
- 4.13 Tax on Retirement Funds Act (Act No. 38 of 1996)
- 4.14 Unemployment Insurance Contributions Act (Act No. 4 of 2002)
- 4.15 Unemployment Insurance Act No. 63 of 2001
- 4.16 Value Added Tax Act (Act No. 89 of 1991)

5. **RECORDS HELD BY PECANWOOD [SECTION 51(1)(d)]**

Pecanwood keeps records with information falling in the following categories:

5.1 **Administration and Management**

- Company and Member records
- Statutory records
- Pecanwood policies and procedures

- Minutes of Member meetings
- Risk insurance and insurance records
- Commercial contracts
- Golf Club Constitution
- Boat Club Constitution

5.2 **Financial Records**

- Annual financial statements
- Auditor's reports
- Banking records
- Creditors and debtors records
- Invoices and statements
- Asset register

5.3 **Operational Records**

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payment made to SARS on behalf of employees
- VAT records
- Skills development levies
- Records of Unemployment Insurance Fund contributions
- Workmen's compensation records
- Service Level Agreements

5.4 **Employee Records**

- List of Employees
- Appointment records and employment contracts
- Payroll records
- Health and safety records
- Internal policies and administrative forms
- Training schedules
- Employee medical aid contribution records
- Employee pension fund contribution records
- Personnel records including personal details, disciplinary records, performance and assessment records.

5.5 **Information Technology**

- Computer software
- User statistics
- Software licenses

6. **AVAILABILITY OF RECORDS WITHOUT REQUEST**

6.1 At this stage, no notice has been published on the categories of records that are automatically available from Pecanwood without a person having to request access thereto in terms of the Act.

6.2 However, certain records are available on the Pecanwood website at <http://www.pecanwood.co.za>. These records include:

- Estate Rules and Regulations
- Code of Conduct
- AGM Notices

- Minutes of meeting of Members
- Golf Club Constitution
- Boat Club Constitution
- Communications to Members.

7. **REQUEST PROCEDURES [SECTION 51(1)(e)]**

- 7.1 A request for access to records held by Pecanwood in terms of section 50 of the Act must be made on the form contained in the Regulations regarding the Promotion of Access to Information, 2002 (Form C). A copy of the form is attached as Annexure A to this Manual. The request must be made to the Chief Executive Officer at the address, fax number or email address, specified in section 2 above.
- 7.2 The requester must provide sufficient detail on the prescribed form to allow Pecanwood to identify the record or records which have been requested and to identify the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Pecanwood. The requester is also required to indicate the form of access to the relevant record that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 7.3 The requester is required to identify the right he, she or it is seeking to exercise or protect by accessing records held by Pecanwood and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 7.4 Pecanwood may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of the Act which includes that access would result in the unreasonable disclosure of personal information about a third party.
- 7.5 Pecanwood is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Pecanwoods' decision in another reasonable manner as well, this manner must be set out

in the request and the relevant details must be included to allow Pecanwood to inform the requester in the preferred manner.

- 7.6 Pecanwood will make a decision in relation to a request for access to records within 30 (Thirty) days of receipt of the request, unless third parties are required to be notified of the request or the thirty day period is extended as provided for in the Act and will notify the requester accordingly.
- 7.7 A requester aggrieved by the Chief Executive Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may apply to court within 180 (One Hundred and Eighty) days of being informed of the decision in question for an appropriate order. The Court may confirm, amend or set aside the decision complained of and make certain ancillary orders.
- 7.8 A requester must pay the prescribed fee before processing of the request will take place.

8. **FEES [SECTION 51(1)(f)]**

- 8.1 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 fee.
- 8.2 The request fee payable by a requester, other than a personal requester, is R50.00.
- 8.3 The Chief Executive Officer will notify the requester (other than a personal requester) by notice, to pay the prescribed fee (if any) before further processing the request.
- 8.4 The fees for the reproduction of a record as prescribed by the Minister of Justice are set out in Annexure B to this Manual.
- 8.5 The access fee payable for searching for the record for disclosure is R30.00 for each hour or part of an hour reasonably required for such search.

8.6 If the Chief Executive 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 the access fee referred to in paragraph 8.5 above.

8.7 Single persons whose annual income after permissible deductions does not exceed R14 712.00, as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 902.00, are exempted from paying access fees.

9. **INFORMATION OR RECORDS NOT FOUND**

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

9.2 The affidavit or affirmation shall provide a full account of all steps taken to find the record or to determine the existence thereof, including the details of all communications by the Chief Executive Officer with the persons who conducted the search.

9.3 If the record in question is be found at a later stage, 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 Chief Executive Officer.

10. **UPDATING OF MANUAL**

Pecanwood may update this Manual every 12 months or at such intervals as may be deemed necessary.

11. **AVAILABILITY OF THE MANUAL [SECTION 51(3)]**

11.1 This Manual is available for inspection at the offices of Pecanwood, free of charge.

11.2 Copies of the Manual may be obtained, subject to the payment of the prescribed fees in paragraph 8, at the offices of Pecanwood.

11.3 The Manual can also be accessed on the website of Pecanwood (www.pecanwood.co.za) and the SAHRC (www.sahrc.org.za).