

The Wilds HOA NPC

Company No: 2003/008761/08

Promotion of Access to Information Act Manual

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1. The Manual

1.1 Introduction

The Promotion of Access to Information Act, 2 of 2000 ("The Act"), which came into effect on the 9th of March 2001, seeks to advance the values of transparency and accountability of South Africa.

The 1996 South African Constitution by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- If the record is required for the exercise of protection of any of his or her legal rights;
- The requestor complies with all the procedural requirements; and
- The access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

1.2 Scope

This manual ("Manual") has been prepared by MidCity Property Services (Pty) Ltd in its capacity as the managing agent of The Wilds HOA NPC and applies to all requirements of section 51 of the Act and is aimed at facilitation access to records held by The Wilds HOA NPC in terms of the Act.

Specifically, the Manual provides information on:

- The contact details of the information officer, who will deal with a person's request;
- The structure and functions of The Wilds HOA NPC;
- The subjects and categories of records that are held by The Wilds HOA NPC;
- Records that are automatically available, without a person having to request access;
- Records that are available in terms of any other legislation; and
- The procedure that needs to be followed to obtain access to a record.

1.3 Availability of the Manual

The Manual is available in both printed and a PDF (Portable Document Format) version.

The printed version of the Manual is also available for consultation or removal, at a fee as contemplated in regulation 99(2)(c) at R1.10 for every photocopy of an A4 Size page or part thereof, from:

**The Information Officer – Portfolio manager
MidCity Property Services (Pty) Ltd
1st Floor, 501 Jorissen Street
Sunnyside East
Pretoria**

**Tel: +27 12 452 – 6700
Fax: +27 12 346 – 7420
Email: Titles@MidCity.co.za**

1.4 Access to routinely available information

The Wilds HOA NPC routinely makes available to the public certain information on its functions and activities. This information will continue to be available without having to make a formal request under the Act.

General information

General Information on The Wilds HOA NPC is available directly from the Information Officer at;

**The Information Officer – Portfolio manager
MidCity Property Services (Pty) Ltd
1st Floor, 501 Jorissen Street
Sunnyside East
Pretoria**

**Tel: +27 12 452 – 6700
Fax: +27 12 346 – 7420
Email: Titles@MidCity.co.za**

Or by post from:

**The Information Officer – Portfolio manager
The Wilds HOA NPC
P. O. Box 28951
Sunnyside
0132**

The right is reserved to charge a fee in terms of the Act.

The NPC is located at;

c/o de Villaboys Marieul & Atterbury Drive, Pretorius Park, Pretoria

1.5 Policy with regards to confidentiality and Access to Information

The Wilds HOA NPC will protect the confidentiality of information provided to it by individuals or others, subject to The Wilds HOA NPC's obligations in terms of any applicable law.

2. Entry point for requests

The Directors of The Wilds HOA NPC have delegated their powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on their behalf. All requests in terms of the Act must be addressed to:

**The Wilds HOA NPC c/o
The Information Officer – Portfolio manager
MidCity Property Services (Pty) Ltd
1st Floor, 501 Jorissen Street
Sunnyside East
Pretoria**

Tel: +27 12 452 – 6700

Fax: +27 12 346 – 7420

Email: Titles@MidCity.co.za

3. Who may request access to information

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests of access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- A Personal requestor, that is a person who requests information about him / herself;
- An agent requestor, that is a person requesting information on behalf of someone else;
- The third party requestor, that is a person requesting information about someone else; or
- A public body, requests information in the public interest.

4. Guidance to requestors

Requests for access to records held by The Wilds HOA NPC must be made on the request forms that are available from our website and office, from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under “regulations”).

A request fee may be payable. You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

The requestor must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requestor. The requestor should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requestor must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a person, the requestor must then submit proof of the capacity in which the requestor is making the request to the satisfaction of the Information Officer of The Wilds HOA NPC.

Kindly note that all requests to the The Wilds HOA NPC will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by The Wilds HOA NPC does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

5. Records available in terms of other legislation

5.1 Unlimited requestors

Certain legislation mandates The Wilds HOA NPC to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of this Manual all requests will be evaluated and considered in accordance with the Act.

5.2 Limited requestors

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access hereto is as follows;

- Basic Conditions of Employment Act 75 of 1997
- Income Tax Act 58 of 1962;
- Skills Development Act 97 of 1997;
- Unemployment Insurance Act 63 of 2001;
- Companies Act 71 of 2008;
- Electronic Communications and Transactions Act 25 of 2002.

6. Procedure

6.1 Prescribed access form

In order for us to facilitate your access to a record you need to complete the attached prescribed access form. Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provide.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided in terms of the Act.

- Reproduction fees: this fee is payable with respect to all records that are automatically available;
- Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor

seeking access containing information about the requestor him / herself), before the request is considered and is not refundable;

- Access fee: which is payable once access to a record is granted, this fee is intended to reimburse the The Wilds HOA NPC for the costs involved in searching and preparing the record of delivery;
- Deposit: which is payable if The Wilds HOA NPC receives a request for access to information about a person other than the requestor himself/ herself and where the preparation of the record will take more than three hours.

6.3.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
▪ For every photocopy of an A4-size page or part thereof	1.10
▪ For every printed of an A4-size page or part thereof held on a computer or in electronic form	0.75
▪ For a copy in a computer readable form: Compact disc:	17.50
▪ A transcription of visual images, for an A4-size page or part thereof	40.00
▪ For a copy of visual images	60.00
▪ A transcription of an audio record for an A4-size page or part thereof	20.00
▪ For a copy of an audio record	30.00

6.3.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor him / herself.

6.3.3 Access fee

The applicable fees (excluding VAT) which will be payable are:

	Rand
▪ For every photocopy of an A4-size page or part thereof	1.10
▪ For every printout of an A4-size page or part thereof held on a computer or in electronic form	0.75
▪ For a copy in a computer readable form: Compact disc:	17.50
▪ A transcription of visual images, for an A4-size page or part thereof	40.00

- For a copy of visual images 60.00
- A transcription of an audio record for an A4-size page or part thereof 20.00
- For a copy of an audio record 30.00
- To search a record that must be disclosed, per hour or part thereof 30.00
- Where a copy of the record needs to be posted the actual postal fee is payable

6.3.4 Deposit

Where The Wilds HOA NPC receives a request for access to information about a person other than the requestor himself / herself and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee is payable.

7. Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in Legal proceedings;
- Commercial information of the private body; and
- Mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act the 30 day period may be extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8. Appeal

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available to a private body will be to approach a court of law.

9. Structure of records of The Wilds HOA NPC

9.1 Scope

The Information contained in this chapter is intended to identify the main classes of records held within The Wilds HOA NPC and their organisational structure.

Further assistance in identifying records held by The Wilds HOA NPC is obtainable from the Information Officer.

9.2 Structure

Profile

The NPC is a Full Title Development Scheme which provides for separate ownership of a property by individuals with a common interest. The NPC falls under the control of the Companies Act, No 71 of 2008, which came into force on 1 June 1988. The registered owner (Member) own the land on which his/her property is built. All the land, including the gardens, parking areas and driveways falling outside of his / her stand forms part of the common property and is owned jointly by all the registered owners (members), collectively known as the Home Owners Association (HOA).

Main Activities

The HOA is the collective name given to all the registered owners of stands and / or units. All registered owners of stands and / or units in the HOA are members of the HOA. The HOA controls and runs the Estate. Membership is determined by the MOI (Articles of Association). Membership carries with it benefits and liabilities, among which is the power to make decisions and responsibility to pay costs connected to the common property. The members approve the budget to provide sufficient income to pay all the HOA's expenses for the ensuing year. This budget is divided into twelve monthly amounts and the members of the HOA are levied with their share payable to the HOA on the 1st of the Month.

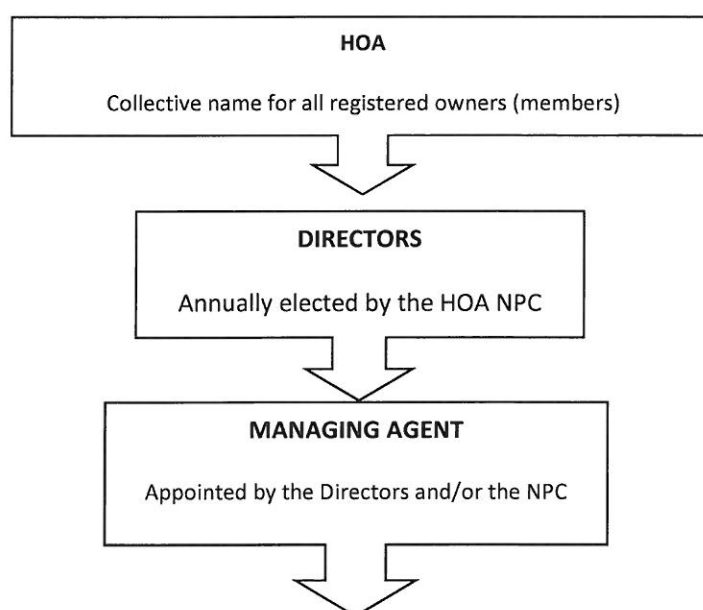
The Day-to-day management of the scheme is vested in the **Directors** who are appointed on an annual basis by the members at an Annual General Meeting (AGM).

The Directors and or the HOA can decide to appoint a managing agent to administer the affairs of the HOA, who's tasks include the following:

On behalf of the HOA, keeping the books, adhering to generally accepted accounting practices, working in association with reputable auditors, preparing and producing on a monthly basis a statement of income and expenditure, advising on cash flow

and determining monthly levies, raising money for the implementation of special levies, paying all accounts and monthly expenses, collecting the levies each month, producing a monthly statement and advising the HOA on the arrear levy situation, assisting with recovery of any other additional unpaid debts, preparing agendas, preparing and producing statements of income and expenditure in the form of an annual budget, preparing and producing insurance schedules arranging for quotations for repairs and maintenance, organising of all meetings, sending out notices, preparing of resolutions, proxies and taking minutes, providing the Directors and owners with necessary knowledge on the Companies Act, corresponding with owners, on behalf of the Directors and or HOA, who are causing problems in the scheme, pertaining to the HOA and generally assisting the Directors with numerous time-consuming tasks that arise in administering the scheme. To protect and guide the HOA, the managing agent must have sound and comprehensive knowledge of the Companies Act and MOI.

Organogram



9.3 Categories and subjects of records

- The latest notice regarding the categories of records of the NPC, which are available without a person having to request access in terms of this Act in terms of section 52(20):

No notice of such records has been made by the Minister

- Records that may be requested. A description of the subjects of the record held by the NPC and the categories in which these subjects are classed;

Administration:

- Minutes of director meetings;
- Minutes of Annual General Meetings (members meetings),
- Minutes of Special General Meetings – If any (members meetings),
 - Unanimous Resolutions
 - Special Resolutions
- Correspondence
- MOI or Articles of Association of the HOA
- Other Rules of the HOA
- A register of members
- Insurance Policy
- A register of owners and of registered mortgagees of units and of all other persons having real rights in such units (in so far as written notice has been given by such owners, mortgages or other persons).

Finances and operation:

- Financial statements
- Accounting Records
- Records of Income
- Records of Expenditure
- Vouchers
- Tax Files
- Budgets
- Investment Account(s) information (if any).

9.4 further information and assistance

Further information regarding the subjects and categories or records listed in 9.3 are available from:

The Information Officer – The Managing Agent

MidCity Property Services (Pty) Ltd
1st Floor, 501 Jorissen Street
Sunnyside East
Pretoria
Tel: +27 12 452 – 6700
Fax: +27 12 346 – 7420
Email: Titles@MidCity.co.za

10 Useful references

Websites

The Human Rights Commission	http://sahrc.org.za/paia.htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf
Information Officer Company Internet Site	http://www.midcity.co.za

