



DAINFERN

**DAINFERN HOMEOWNERS ASSOCIATION NPC
REGISTRATION NUMBER: 1991/004217/08 ("DHA")**

**MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

Note: This manual is based on "EXAMPLE OF A MANUAL FOR A PRIVATE BODY" issued by the South African Human Rights Commission, amended to meet the needs of Dainfern Homeowners Association NPC, with further additions to enhance its usefulness and comply with the Protection of Personal Information Act, No. 4 of 2013.

Contents

1	INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT	1
2	DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10.....	2
4	RECORDS AUTOMATICALLY AVAILABLE.....	4
5	SUBJECTS AND CATEGORIES OF RECORDS HELD BY DAINFERN HOMEOWNERS ASSOCIATION NPC	4
6	PURPOSE OF PROCESSING OF PERSONAL INFORMATION	6
7	DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION	7
8	PLANNED RECIPIENTS OF PERSONAL INFORMATION.....	7
9	SECURITY MEASURES TO PROTECT PERSONAL INFORMATION	7
10	DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS.....	7
11	AVAILABILITY OF THE MANUAL.....	8
12	FEES IN RESPECT OF PRIVATE BODIES	9

1 INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

Designated Head of

Dainfern Homeowners Association NPC ("the DHA"): CEO – Ms. Geraldine Harris

Postal Address of the DHA:

P.O. Box 4000, Dainfern,
2055

Street Address of the DHA: 633 Gateside Avenue, Dainfern Golf Estate, Midrand

Tel. No of the DHA: 011 875 0401

E- Mail address of the DHA: info@dainfern.co.za

Person delegated to deal with requests (for "the designated head"): Ms. Geraldine Harris

E-mail address of the delegated designated head: ceo@dainfern.co.za

2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC) and amended by the Information Regulator in October 2021. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the [Information Regulator \(South Africa\) at:](#)

JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001:

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017
 Tel Number: 010 023 5200
 Email: PAIACompliance@info regulator.org.za

3 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation are as follows:

Administration of Estates Act, No. 66 of 1965
 Arbitration Act No. 42 of 1965
 Atmospheric Pollution Prevention Act 45 of 1965
 Banks Act No. 94 of 1990
 Basic Conditions of Employment Act No. 75 of 1997
 Bills of Exchange Act 34 of 1964
 Broad-based Black Economic Empowerment Act 53 of 2003
 Children's Act 38 of 2005
 Companies Act No 71 of 2008 and Applicable Regulations
 Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
 Competition Act No. 89 of 1998
 Community Schemes Ombud Services Act, 9 of 2011
 Consumer Affairs (Unfair Business Practice) Act No. 71 of 1988
 Consumer Protection Act 68 of 2008
 Copyright Act No. 98 of 1978
 Currency and Exchanges Act No .9 of 1933

Customs and Excise Act, 55 of 1998
 Debt Collector's Act No. 114 of 1998
 Electronic Communications Act, No. 36 of 2005
 Electronic Communications and Transactions Act No 25 of 2002
 Employment Equity Act. No. 55 of 1998
 Exchange Control Amnesty and Amendment of Taxation Laws Act of 2003
 Explosives Act 26 of 1956
 Financial Advisory and Intermediary Services Act 37 of 2002
 Financial Intelligence Centre Act No. 38 of 2001
 Financial Services Board Act No. 97 of 1990
 Firearms Control Act 60 of 2000
 Harmful Business Practices Act No. 23 of 1999
 Hazardous Substances Act 15 of 1973
 Health Professions Act 56 of 1974
 Identification Act 68 of 1997
 Immigration Act 13 of 2002
 Income Tax Act No 58 of 1962
 Insider Trading Act 135 of 1998
 Insolvency Act No. 24 of 1936
 Insurance Act No. 27 of 1943
 Intellectual Property Laws Amendment Act No. 38 of 1997
 Johannesburg Stock Exchange Listing Requirements
 Labour Relations Act No 66 of 1995
 Long -Term Insurance Act No. 52 of 1998
 Medical Schemes Act 131 of 1998
 Medicines and Related Substances Act 101 of 1965
 National Health Act 61 of 2003
 Mine Health and Safety Act 29 of 1996
 Mines and Works Act 27 of 1956
 National Credit Act No. 34 of 2005
 National Environmental Management Act 107 1998
 National Water Act 36 of 1998
 Nonprofit Organisations Act No. 71 of 1997
 Occupational Diseases in Mines and Works Act 78 of 1973
 Occupational Health and Safety Act No. 85 of 1993
 Pension Funds Act No 24 of 1956
 Prevention and Combating of Corrupt Activities Act No 12 of 2004
 Prevention of Organised Crime Act No. 121 of 1998
 Promotion of Access to Information Act No.2 of 2000
 Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
 Protected Disclosures Act No. 26 of 2000
 Protection of Personal Information Act 4 of 2013
 Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
 Regulation of Interception of Communication and Provision of Communications Act, No.2 of 2000
 Regulation of Interception of Communications and Provisions of Communication Related
 Road Accident Fund Act 56 of 1996
 Information Act No. 70 of 2002
 SA Reserve Bank Act No. 90 of 1989
 Second-Hand Goods Act No. 6 of 2009

Securities Services Act No. 36 of 2004
 Securities Transfer Tax Act 25 of 2007
 Skills Development Act 97 of 1998
 Skills Development Levies Act No 9 of 1999
 South African Reserve Bank Act No. 90 of 1989
 South African Schools Act of 1996
 Stock Exchanges Control Act No. 1 of 1985
 Supreme Court Act No. 59 of 1959
 Tobacco Products Control Act No 83 of 1993
 Trade Marks Act 194 of 1993
 Trust Property Control Act No. 57 of 1988
 Unemployment Insurance Act No. 63 of 2001
 Unemployment Insurance Contributions Act No 4 of 2002
 Value Added Tax Act No 89 of 1991

4 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the DHA to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the DHA is automatically available without having to request access in terms of PAIA.

5 SUBJECTS AND CATEGORIES OF RECORDS HELD BY DAINFERN HOMEOWNERS ASSOCIATION NPC

General information about the DHA and the Dainfern Golf Estate can be accessed via the internet on www.dainfern.co.za, which is available to all persons who have access to the internet.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

1. COMPANIES ACT RECORDS

- Title Deeds
- Certificate of Incorporation
- Index of names of members of the DHA
- Minutes of meetings of the Board of Directors
- Minutes of meetings of Members
- Proxy forms
- Resolutions passed by Members at General Meetings
- Resolutions passed by the Board of Directors, and
- Annual Returns

Records relating to the appointment of:

- Auditors
- Directors
- Prescribed Officer
- Public Officer, and
- Company Secretary

2. FINANCIAL RECORDS

- Accounting Records
- Annual Financial Reports
- Annual Financial Statements
- Asset Registers
- Bank Statements
- Banking details and bank accounts
- Banking Records
- Debtors / Creditors statements and invoices
- General ledgers and subsidiary ledgers
- General reconciliation
- Invoices
- Policies and procedures
- Rental Agreements, and
- Tax Returns

3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Disciplinary Code and Records
- Employee benefits arrangements rules and records
- Employment Contracts
- Employment Equity Plan
- Forms and Applications
- Grievance Procedures
- Leave Records
- Medical Aid Records
- Payroll reports/ Wage register
- Pension Fund Records
- Safety, Health, and Environmental records

- Salary Records
- SETA records
- Standard letters and notices
- Training Manuals
- Training Records
- Human Resources Policy Manual
- Workplace and Union agreements and records

5. PROCUREMENT DEPARTMENT

- Procurement framework to regulate appointment of service providers, and suppliers of goods, and
- Service provider, and supplier agreements

6. MARKETING DEPARTMENT

- Advertising and promotional material

7. SAFETY, HEALTH, AND ENVIRONMENT

- Safety, Health, and Environment Risk Assessment
- Monthly Occupational Health and Safety ("OHS") Legal Compliance Risk Assessment Reports
- Minutes of quarterly OHS meetings
- Meetings' attendance records
- Records of training received

8. IT DEPARTMENT

- Computer / mobile device usage policy documentation
- Disaster recovery plans
- Hardware asset registers
- Information security policies/standards/procedures
- Information technology systems and user manuals
- Information usage policy documentation
- Project implementation plans
- Software licensing, and
- System documentation and manuals

9. LIQUOR LICENCE

- Liquor license and annual renewal certificates
- New liquor license application documents

6 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

- To support security functions and activities,
- To support resident/ member administration functions,
- To support management of staff,
- To support engagement with service providers and suppliers,
- To support engagement with the residents and property owners

7 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

- Homeowners and Residents
- Employees: record of employee life cycle
- Service Providers and Suppliers: record of supplier life cycle
- Visitors

8 PLANNED RECIPIENTS OF PERSONAL INFORMATION

- Statutory authorities
- Law enforcement
- Tax authorities
- Financial institutions
- Medical schemes
- Employee pension and provident funds
- Industry bodies
- Service providers

9 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Physical security measures
- Cyber security measures
- Training in information security
- Policies in information security
- Audits of information security

10 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

10.1 PAIA FORM 02: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation (7)], Form 02 should be used to request access to a record held by a Public or Private body in terms of PAIA. Form 02 can be downloaded from the Information Regulator website under Documents/Forms. It can also be downloaded using the link below.

Form 02: Request for Access to Record:

<https://inforegulator.org.za/paia-forms/>

Please note: Do not use Form 02 for personal information requests (Data Subject Requests). The appropriate form for these requests is described in point 14.2 below.

10.2 POPIA FORM 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24 (1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

In terms of the Protection of Personal Information Act of 2013, Section 24 and the Regulations relating to the Protection of Personal information, 2017, [Regulation 3(2)] Form 2 should be used to raise requests for the correction or deletion of personal information or destroying or deletion of record of personal information. Form 2 is available on the Information Regulator website under Documents/Forms. It can be downloaded using the link below:

Form 2: Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information

<https://inforegulator.org.za/popia-forms/>

DHA the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

Grounds for refusing a request

DHA has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

11 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the offices of the DHA, free of charge.

Signature of Designated Head of the Private Body

Name of Designated Head of the Private Body

Date of signature: _____

Publication date of this manual: _____

Next revision date of this document: _____

12 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

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.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. (a) For every photocopy of an A4-size page or part thereof R1,10
 - b. (b) 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
 - c. (c) For a copy in a computer-readable form on email R60,00
 - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
3. The request fee payable by a requester, other than a personal 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:
 1.
 - a) For every photocopy of an A4-size page or part thereof R 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 R 0,75;
 - c) For a copy in a computer-readable form on email R60,00;
 - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
 - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 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.