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(A NON-PROFIT COMPANY)

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THE SAN LAMEER MASTER HOMEOWNERS ASSOCIATION NPC (Registration Number 1977/000005/08)

ACCESS TO RECORDS MANUAL (as required by Section 51 of The Promotion of Access to Information Act, Act 2 of 2000) ("The Act")

Approved at a Board meeting on _____.

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1. INTERPRETATION

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

- 1.1 An expression which denotes –
 - a) Any gender includes the other genders;
 - b) A natural person includes an artificial or juristic person and vice versa;
 - c) The singular includes the plural and vice versa.
- 1.2 The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
 - a) **“this document”** – this document together with all its annexures, as amended from time to time;
 - b) **“the company”** – San Lameer Master Homeowners Association NPC;
 - c) **“the Act”** – Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
 - d) **“request liaison officer”** – the person duly authorised by the head of the company and appointed by the company to facilitate or assist the head of the company with any request in terms of the Act.
 - e) **“Access Fee”** - the fee as envisaged in paragraph 13 below
 - f) **“Information Regulator”** - the Information Regulator established in terms of the Protection of Personal Information Act, No. 4 of 2013;
 - g) **“Prescribed Form”** - the prescribed Access to Records of a Private Body form, annexed hereto for ease of reference;
 - h) **“Record”** - any recorded information-
 - regardless of form or medium;
 - the possession or under the control of the Company; and
 - whether or not it was created by the Company;
 - i) **“Requester”** - any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of the Company or a person acting on behalf of such aforesaid person;
 - j) **“Request Fee”** - the fee as envisaged in paragraph 13 below
 - k) **“Third Party”** - any person (including, but not limited to, a public body) other than the Requester, but, for the purposes of sections 34 and 63 of the Act, and paragraph 15 below, the reference to 'person' must be construed as a reference to a 'natural person';
 - l) **“POPIA”** - the Protection of Personal Information Act No. 4 of 2013, including all regulations and amendments applicable thereto.
- 1.3 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time.
- 1.4 If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document.
- 1.5 Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document.
- 1.6 Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.
- 1.7 Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be.

- 1.8 The use of the word “including” followed by a specific example(s) shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example(s);
- 1.9 Insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail.
- 1.10 This document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise him/her/itself with the provisions of the Act before lodging any request with the company.
- 1.11 Nothing in this document should be construed as limiting or restricting, or adding to or enhancing, any right which a person may have in terms of the Act.

2. AIM

To facilitate the requests for access to records of the company as provided for in the Act.

3. BUSINESS OF THE COMPANY

The San Lameer Master Homeowners Association is a Non-Profit company with the following main business:

- 3.1 To promote, advance and protect the communal interest of members of the Association being persons who are registered owners of a stand or unit in the San Lameer Township;
- 3.2 To promote, advance and protect the communal interest of members of the Association, and in promoting such communal services to provide and maintain essential and community services, amenities and activities within any property administered by the Association;
- 3.3 The sole object of the Association is to manage the collective interest common to all its members, which includes expenditure applicable to the common immovable property of such members and the collection of levy contributions for which such members are liable.
- 3.4 For the purpose of this Act the San Lameer Master Homeowners Association is regarded as a “Private Body”.

4. DETAILS

Full name	:	San Lameer Master Homeowners Association NPC
Registration No.	:	1977/000005/08
Postal address	:	PO Box 78 Southbroom, 4277
Physical address	:	Main Road (R61) Lower South Coast, KwaZulu-Natal
Telephone	:	(039) 313 0111
Website	:	www.sanlameer.co.za
Email	:	paia@sanlameer.co.za

5. CONTACT DETAILS OF THE HEAD OF THE COMPANY AND REQUEST LIAISON OFFICER

- 5.1. The Managing Director (executive) of the Company is Willem Johann (Pine) Pienaar. His contact details are –
Telephone : (039) 313 0111
- 5.2. The request liaison officer is Charmayne Singh. Her contact details are –

Telephone : (039) 313 0111
Email : paia@sanlameer.co.za

6. INFORMATION REGULATOR GUIDE

- 6.1. The Information Regulator has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.
- 6.2. The contact details of the Information Regulator are –
- Physical address : JD House, 27 Stiemens Street
Braamfontein, 2001
- Telephone : (010) 023 5200
- Email : enquiries@inforegulator.org.za
- Website : www.inforegulator.org.za

7. REQUESTOR OF INFORMATION

- 7.1. Access shall be given to any record held by the company, if –
- a) That record is required for the exercise or protection of any rights;
 - b) The requestor complies with the procedural requirements of the Act relating to a request for access to that record; and
 - c) Access to that record is not refused in terms of any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act; and
 - d) The request includes a request for access to a record containing personal information about the requestor or the person on whose behalf the request is made.
- 7.2. Public Bodies may only request records to protect its rights or if it is not protecting its rights, it must act in the public interest.

8. RECORDS VOLUNTARILY DISCLOSED OR AUTOMATICALLY AVAILABLE

The following records of the company are voluntarily disclosed and or are available on the website of the Company, at www.sanlameer.co.za –

- a) Memorandum of Incorporation
- b) Rules of Conduct and the associated Policies
- c) Architectural and Building Guidelines
- d) Minutes of Annual General Meetings;
- e) Registration related forms for completion.

9. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EMPLOYEES

- 9.1. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph -
- a) personnel records are available to the employee whose records it is;
 - b) records of disciplinary hearings and related matters are available to the employee concerned;
 - c) Key performance assessment records of the employee concerned are available to that employee;
 - d) the company's policies and procedures manuals;
 - e) the company's Standard Operating Procedure manuals.

10. RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS PROVIDED FOR IN SECTION 51(1)(d) OF THE ACT

- 10.1 The following records are not automatically available without a request in terms of the Act.

All statutory returns –

- (i) Income tax;
- (ii) PAYE;
- (iii) UIF;
- (iv) SDL;
- (v) ETi;
- (vi) Workmen's compensation;
- (vii) Occupational Health and Safety files and policies;
- (viii) Occupational Injury and Disease records;
- (ix) Company and Intellectual Property Commission registrations;
- (x) Employment Equity Plan.

However, these records may be held by the Company to comply with its obligations under the following applicable legislation, including but not limited to:

- a) Companies Act, 71 of 2008
- b) Protection of Personal Information Act, 4 of 2013 (POPIA)
- d) Community Schemes Ombud Service Act, 9 of 2011 (CSOS Act)
- e) Basic Conditions of Employment Act, 75 of 1997 (BCEA)
- f) Labour Relations Act, 66 of 1995 (LRA)
- g) Unemployment Insurance Act, 63 of 2001 (UIF Act)
- h) Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (COIDA)
- i) Occupational Health and Safety Act, 85 of 1993 (OHSA)
- j) Value-Added Tax Act, 89 of 1991 (VAT Act)
- k) Income Tax Act, 58 of 1962
- l) National Building Regulations and Building Standards Act, 103 of 1977
- m) Electronic Communications and Transactions Act, 25 of 2002

11. RECORDS HELD BY THE COMPANY AS PROVIDED IN SECTION 51(1)(e) OF THE ACT.

11.1 These records are not automatically available without a request in terms of the Act. A request in terms of the Act for access to these records is subject to the provisions of sections 63 to 70 of the Act, which provides circumstances under which the head of the company must refuse a request for access to a record of the company.

a) Human Resources

- (i) Personnel information, including personal information, lists of employees, salaries, employment history and health records that the company may hold from time to time;
- (ii) Training and development information;
- (iii) General files containing information on employee benefits, leave, disciplinary actions, employee recruitment and selection, employee contracts and appointments, personal tax information, union memberships, PSIRA or other memberships and attendance records;

b) Finance and Accounts records

- (i) Financial records, including payments, expenses, receipts and income,
- (ii) Lists and details regarding the company's creditors and debtors;
- (iii) Salary information and records;
- (iv) Bank account and investment records;
- (v) Budget records;
- (vi) Asset registers.

c) Member records

- (i) Records relating to the stand of which the member is the owner, including buildings plans, aesthetical compliance records and infringement records;
- (ii) Communication records between the company and the member and the member and the company;

- (iii) Financial records of members, including personal information, banking details, debit order details and payment trends;
 - (iv) Security registration records of the member, including personal information, vehicle details, photos and biometrics;
 - (v) Security registration records of persons registered by the member on the stand of the member, including personal information, vehicle details, photos and biometrics;
 - (vi) Access and egress records of the member and all other persons registered on the stand;
- d) Contracts, supplier agreements and service level agreements, which also include lists of suppliers as well as agreements where the company provide services, maintenance plans, schedules and records;
- e) Information technology
 - (i) Records of persons with access to information systems, their passwords and access trial records;
 - (ii) Agreements with Information Technology service provider, including their access to personal information of employees, members and other persons registered on the respective stands;
 - (iii) Records of correspondence;
 - (iv) Records of reports and statistics;
- f) Access, egress and surveillance information
 - (i) CCTV footage from the static CCTV camera placements within the given time period of which the images are stored;
 - (ii) Access and Egress logs for residents, and visitors to the estate;
 - (iii) Security logs of foot patrols and incident logs as recorded;
- g) HOA Standing Operational Procedures (SOP's)

12. PROCESS OF REQUESTING INFORMATION / RECORDS NOT AUTOMATICALLY AVAILABLE

- 12.1. A request shall be made on the prescribed form (Form 2).
- 12.2. A copy of Form 02 is available from the website of the Information Regulator or click on the following link:
<https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>
- 12.3. The prescribed form shall be submitted to the request liaison officer at his address or email address, who shall hand it to the head of the company.
- 12.4. The same procedure as set out in 12.1 and 12.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 12.5. The head of the company, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.
- 12.6. The requester will be notified of the decision of the head of the company or the request liaison in the manner indicated by the requester.
- 12.7. If the request is granted, the requester shall be informed by the head of the company or the request liaison officer in the manner indicated by the requester in the prescribed form.

- 12.8. Notwithstanding the foregoing, the company will advise the requester in the manner stipulated by the requester in the prescribed form of –
- The access fee to be paid for the information (in accordance with paragraph 13);
 - The format in which access will be given; and
 - 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.
- 12.9. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 12.10. If the request for access is refused, the head of the company or the request liaison officer shall advise the requester in writing of the refusal. The notice of the refusal shall state –
- Adequate reasons for refusal;
 - 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, in terms of Section 78 of the Act. The full text of Section 78 of the Act and related provisions may be accessed via the website of the Information Regulator at www.inforegulator.org.za, or can be provided upon written request.
- 12.11. Upon the refusal by the head of the company or the request liaison officer, the deposit paid by the requester will be refunded.
- 12.12. If the head of the company or the request liaison officer fails to respond within thirty 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 head of the company or the request liaison officer has refused the request.
- 12.13. The head of the company may decide to extend the period of thirty days (“original period”) for another period of not more than thirty days if –
- The request is for a large number of records;
 - The search for the records is to be conducted at premises not situated in the same town or city as the head office of the company;
 - Consultation among divisions or departments, as the case may be, of the company is required;
 - The requester consents to such an extension in writing; and
 - The parties agree in any other manner to such an extension.
- 12.14. Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 12.15. The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section, in terms of Section 78 of the Act. The full text of Section 78 of the Act and related provisions may be accessed via the website of the Information Regulator at www.inforegulator.org.za, or can be provided upon written request.

13. FEES PAYABLE

- 13.1. The fees for reproduction of a record as referred to in section 52(3) are as follows –
- For every photocopy of an A4 size page or part thereof R01.10
 - For every printed copy of an A4-size page or part thereof R00.75
 - For a copy of a compact disc R70.00
 - For a transcript of visual images for an A4 size page or part thereof R40.00
 - For a copy of visual images R60.00
 - For a transcript of an audio record, for an A4-size page or part thereof R20.00
 - For a copy of an audio record R30.00

- 13.2. The request fee payable by a requester, other than a personal requester is R50.00
- 13.3. If the head of the company or if the request liaison 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 R30.00 for each hour or part thereof, exceeding the six hours.

14. INFORMATION OR RECORDS NOT FOUND

- 14.1. 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 head of the company or the request liaison officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 14.2. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company or the request liaison officer with every person who conducted the search.
- 14.3. The notice as set out in 14.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 14.4. 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 head of the company or the request liaison officer.
- 14.5. The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

15. INFORMATION REQUESTED ABOUT A THIRD PARTY

- 15.1 The Promotion of Access to Information Act (sections 71 to 74) sets out specific procedures that apply when a requester seeks access to a record that contains information about a third party, including individuals or entities such as employees, contractors, service providers, or residents.
- 15.2 Before granting access to such a record, the head of the company or the request liaison officer must:
- a) Notify the third party in writing of the request for access, describing the nature of the record and the requester's stated reason (if any);
 - b) Inform the third party of their rights in terms of section 71 to:
 - i. Make written representations within 21 calendar days stating why the record should not be disclosed, or
 - ii. Consent to the disclosure of the record;
 - c) Consider the third party's response, including any objection, and weigh it against the requester's right of access;
 - d) If applicable, notify the requester of any refusal or partial refusal of access and inform them of their right to appeal such a decision in a court of competent jurisdiction. The full text of Section 78 of the Act and related provisions may be accessed via the website of the Information Regulator at www.inforegulator.org.za, or can be provided upon written request.
- 15.3 Access to the record will not be granted until the third-party notification and objection process is complete, and any resulting disputes have been resolved, unless otherwise directed by a court.

- 15.4 The attention of both requesters and third parties is drawn to Chapter 5 of Part 3 of the Act, which governs disputes regarding third-party information and access decisions.

16. PROTECTION OF PERSONAL INFORMATION (POPIA)

- 16.1 The San Lameer Master Homeowners Association NPC processes personal information in accordance with the Protection of Personal Information Act, No. 4 of 2013 ("POPIA").
- 16.2 Categories of Personal Information Processed may include, but are not limited to:
- a) Names, identity numbers, and contact details of members, employees, contractors, and visitors;
 - b) Financial and banking details (e.g., levy payment records, debit order information);
 - c) Biometric information (e.g., facial recognition or fingerprints for estate access);
 - d) Vehicle registration numbers and access control records;
 - e) Security-related records including CCTV footage and incident reports;
 - f) Employment and HR-related information.
- 16.3 Purpose of Processing:
- a) Administration of membership and levy payments;
 - b) Ensuring access control and estate security;
 - c) Operational and maintenance management of the estate;
 - d) Communication with members, employees, and service providers;
 - e) Compliance with applicable legislation;
 - f) Management of contractual relationships and service delivery;
 - g) Employment and human resource administration.
- 16.4 Lawful Processing Grounds:
The Association may lawfully process personal information on the following grounds:
- a) Consent of the data subject;
 - b) Performance of a contract to which the data subject is party;
 - c) Compliance with legal obligations;
 - d) Protection of a legitimate interest of the data subject;
 - e) Performance of a public law duty; or
 - f) Legitimate interests of the Association or a third party.
- 16.5 The Association's full POPIA Policy is available upon request and can be accessed by contacting the request liaison officer.

17. SECURITY SAFEGUARDS AND IT PROTECTION MEASURES

- 17.1 The San Lameer Master Homeowners Association NPC acknowledges its responsibility to implement appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control, in compliance with section 19 of the Protection of Personal Information Act (POPIA).
- 17.2 The following safeguards are in place to protect personal and sensitive data:
- a) Physical Security: Controlled access to server rooms and security offices, physical locks, on-site security personnel, and CCTV camera monitoring.
 - b) Access Control: Role-based access to data and systems; only authorised personnel may access personal and biometric information.
 - c) Network Security: Use of firewalls, antivirus software, and intrusion detection systems.
 - d) Encryption: Data encryption applied to stored and transmitted data where appropriate.
 - e) System Logging: Logging of system access and attempts to ensure auditability and monitoring of unauthorised access.
 - f) Data Retention and Destruction: Records are only retained as long as necessary, in line with the statutory retention periods, for business or legal purposes and are securely destroyed thereafter.

- g) Third-Party Processing Agreements: All service providers who access or process personal data (e.g., IT and security contractors) are bound by formal data processing agreements requiring POPIA compliance and confidentiality.
- h) Regular Reviews: Security protocols are periodically reviewed and updated in line with emerging threats and legal requirements.

17.3 Data subjects may request further information about these safeguards by contacting the request liaison officer or by consulting the Association's full POPIA policy.

18. UPDATING OF MANUAL

The company may update this manual annually or when required by legislative change or operational restructuring.