

# PAIA MANUAL OF GOWRIE HOMEOWNERS ASSOCIATION NPC

trading as

**GOWRIE VILLAGE ESTATE**

**VERSION 1**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and requirements of the Protection of Personal Information Act, 2013.

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FORM C (ANNEXED): Request for Information Form

### 1. THE ACT

The Promotion of Access to Information Act, 2000 ("PAIA") gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

## **2. COMPANY INFORMATION AND CONTACT DETAILS OF THE INFORMATION OFFICER**

Gowrie Homeowners Association NPC is a privately held company that provides digital services in the Residential Community industry.

Gowrie Village Estate Manager, Natasha Strong, has been duly appointed as Information Officer to act as the person to whom requests for access to information must be made in terms of the Act.

Contact Details: Gowrie Village Estate

Information Officer: Natasha Strong

Postal address: Private Bag X02, Suite 8, Nottingham Road, KZN, 3280

Physical address: Gowrie Village, Off P147, Nottingham Road, KZN, 3280

Telephone: 083 703 0930

E-mail: [estatemanager@gowrievillage.co.za](mailto:estatemanager@gowrievillage.co.za)

Website: [www.gowrievillage.co.za](http://www.gowrievillage.co.za)

Person that may be delegated to deal with requests from Natasha Strong:

Debbie Bouwer

E-mail address of the delegated person: [accounts@gowrievillage.co.za](mailto:accounts@gowrievillage.co.za)

Telephone: 076 227 3602

## **3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10**

In terms of the POPI Act (POPIA) section 18. (h) (v) you have the right to lodge a complaint to the Information Regulator (South Africa) (IRSA). The IRSA contact details are:

The Information Regulator (South Africa)  
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001  
P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries email: <https://www.justice.gov.za/inforeg/index.html>

## **4. APPLICABLE LEGISLATION**

Where applicable to Gowrie Homeowners Association's operations, information is available in accordance with the following legislation, including but not limited to:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
  - Companies Act 71 of 2008 (As amended)
  - Consumer Protection Act 68 of 2008
  - Electronic Communications and Transactions Act 25 of 2002
  - Employment Equity Act 55 of 1998
  - Financial Intelligence Centre Act 38 of 2001

- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access of Information Act 2 of 2000
- Protection of Personal Information Act of 2013
- Unemployment Insurance Act 30 of 1996

## **5. ACCESS TO RECORDS HELD BY GOWRIE HOMEOWNERS ASSOCIATION**

### **5.1 SUBJECTS AND CATEGORIES OF GOWRIE HOMEOWNERS ASSOCIATION**

The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

- **Statutory Company Information**

- Memorandum of Incorporation
- Certificate of Incorporation
- Register or list of directors of Gowrie Homeowners Association
- Minute books and internal resolutions of Gowrie Homeowners Association
- Power of attorney agreements and a list of persons authorised to bind Gowrie Homeowners Association
- Sectional Title Management Act and Community Schemes Ombud Service related information

- **Financial and Tax Records of Gowrie Homeowners Association**

- Accounting records, books and documents of Gowrie Homeowners Association
- Interim and annual financial reports of Gowrie Homeowners Association
- Details of auditors of Gowrie Homeowners Association
- Tax returns of Gowrie Homeowners Association
- PAYE records
- Other documents and agreements relating to taxation.

- **Banking Details of Gowrie Homeowners Association**

- Bank facilities and account details.
- Bank statements.
- Guarantees given by, or in respect of Gowrie Homeowners Association

- **Human Resources / Employment Records**

- List of employees.
- Contracts of employment with directors, officers and employees of Gowrie Homeowners Association
- Expenditure or reimbursement agreements with directors of Gowrie Homeowners Association
- Documents relating to employee benefits.
- Compensation or redundancy payments.
- Personnel files.
- Employee code of conduct.
- Procedural agreements and policies of Gowrie Homeowners Association
- Disciplinary records and documentation pertaining to disciplinary proceedings.

- CCMA records
- Training manuals.
- Other information relating to employees of Gowrie Homeowners Association
- Confidentiality agreements
- **Intellectual Property**
  - Trademarks, patents, copyrights, designs held by Gowrie Homeowners Association
  - Other agreements relating to intellectual property rights.
- **Permits**
  - Licences, material permits, consents, approvals, authorisations and certificates.
  - Applications for permits and licences.
  - Registrations and declarations of permits.
- **Insurance Records**
  - Insurance policies taken out for the benefit of Gowrie Homeowners Association and its employees.
  - Claims records
- **Immovable and Movable Property**
  - Title deeds of land owned by Gowrie Homeowners Association
  - Agreements for the lease or sale of land and/or other immovable property by Gowrie Homeowners Association
  - Agreements for the lease or sale of movable property by Gowrie Homeowners Association
  - Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.
- **Information Technology**
  - Computer software support and maintenance agreements.
  - Web site development, support and maintenance agreements.
  - Computer software licence agreements.
  - Agreements in respect of computer hardware used by Gowrie Homeowners Association
  - Agreements with Internet Service Providers, and other telecommunications entities.
  - Leased line agreements.
  - Other documentation pertaining to computer systems and computer programs held by Gowrie Homeowners Association
  - Individual contracts in respect of usage of cellular telephones.
- **Specific Agreements Relating to the Business Activities of Gowrie Homeowners Association**
  - Indemnity, confidentiality and non-disclosure agreements.
  - Regulatory agreements.
  - Agreements relating to transactions.
- **Policy Documents**
  - Corporate governance.
  - Ethics policy.

## **Miscellaneous agreements of Gowrie Homeowners Association**

- Loans to/from third parties (including banks).
- Suretyship agreements.
- Agreements restricting the trading activities of Gowrie Homeowners Association
- Agency, management and distribution agreements.
- Any other agreements.

- **Correspondence**

Correspondence of Gowrie Homeowners Association, including internal and external memoranda.

- **Information Relating to Legal proceedings**

- Records relating to legal proceedings involving Gowrie Homeowners Association .
- Records relating to arbitration matters involving Gowrie Homeowners Association

- **Records pertaining to clients of Gowrie Homeowners Association**

- Agreements with members of Gowrie Homeowners Association
- Service Level Agreements
- Agency Agreements.
- Business strategies
- Creative (artwork)
- Signed Cost Estimates
- Organograms
- Contact lists
- Brand Identity documents
- Contact/Status Reports
- Media schedules/chase lists
- Members E-mails
- Members supplier lists
- Sponsorship plans
- Image library
- Lists of Purchase Order numbers
- Legal clauses

## **6. PROTECTION OF PERSONAL INFORMATION ACT (POPIA) Suggest moving this to before point 6**

### **Purpose of processing:**

- Rendering service according to instructions given by clients
- Provision of value-added services
- Maintain our accounts and records
- Support and manage our employees
- Use of CCTV and VMS systems for the purposes of crime prevention, access control and public safety
- Fraud prevention & detection
- Compliance with legal and regulatory requirements
- Verifying identity

### **Categories of data subjects:**

- Shareholders
- Directors
- Employees
- Consultants
- Complainants & enquirers
- Trustees
- Employers and employees of other organisations
- External companies / contractors
- Suppliers and service providers
- Clients and their members / subscribers
- Individuals captured by CCTV images / video and voice
- Individuals who have indicated an interest in our services

### **Types / classes of information processed:**

- Personal details
- Lifestyle and social circumstances
- Business activities
- Services provided
- Personal preferences
- Family details
- Visual images of individuals captured on CCTV and Visitor Managements System
- Financial details

### **Types / classes of special information processed:**

- Biometrics

### **Who the information may be shared with:**

We sometimes need to share the personal information we process with the individual themselves and/or with other organisations. Where this is necessary we are required to comply with all aspects of the Protection of Personal Information Act. What follows is a description of the types of organisations we may need to share some of the personal information we process for one or more reasons. Where necessary or required we share information with:

- 
- Police / courts where necessary
- Business associates
- Persons making an enquiry / complaint
- Suppliers and service providers
- Debt collection and tracing agencies
- Auditors and Attorneys
- Security organisations
- **Trans-border / cross border flows of personal information: Suggest that the organisation types in the template provided are used. Companies such as cloud service providers e.g. Microsoft are listed.**

There are restrictions on the sending of personal information out of South Africa as well as on the transfer of personal information back into South Africa. The applicable restrictions will depend on the laws of the country to whom the data is transferred or from where the data is returned, as the case may be

Gowrie Homeowners Association may from time to time need to share personal information of data subjects with third parties in other countries. We are required to ensure that when we need to do this we comply with the Protection of Personal Information Act. This will only be done if one of the following requirements are met:

- the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that
    - effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in the Protection of Personal Information Act; and
    - includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
  - the data subject consents to the transfer;
  - the transfer is necessary for the performance of a contract between the data subject and the company in question;
  - the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party;
- or
- the transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject to that transfer; and if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

## **7. THE REQUEST PROCEDURE AND FEES**

The requester must use the prescribed form (FORM C) to make the request for access to a record. This must be made to the Information Officer of Gowrie Homeowners Association . This request must be made to the address or electronic mail address of the Information Officer of Gowrie Homeowners Association.

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

The requester 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 requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

## **8. AVAILABILITY OF THE MANUAL.**

The manual is available on the Gowrie Village Estate website - [www.gowrievillage.co.za](http://www.gowrievillage.co.za).

## **9. PRESCRIBED FEES**

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two types of fees payable:

- Request fee: A non-refundable request fee of R50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the person requesting – in this instance no fee is payable.
- Access fee: An access fee is payable prior to being granted access to the records in the form required.

These fees are prescribed in Part III of FORM C as defined in Government gazette Notice No. 187, Regulation 11.

## **10. GROUNDS FOR REFUSAL TO ACCESS RECORDS**

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party. A complete list of the grounds for refusal is available in Chapter 4 of the Act.



## Form C

### REQUEST FOR INFORMATION FORM

#### 1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION

Full Names & Surname:
Identification Number:
Telephone Number:
E-Mail Address:
Postal Address:

#### 2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

Only complete this section if a request for information is made on behalf of another person.

Full Names & Surname/Company:

Identification Number / Company Number:

#### 3. PARTICULARS OF REQUESTED INFORMATION

Provide full particulars of the information to which access is requested. If the provided space is not sufficient, please continue on a separate page and attach it to this form. Any additional pages submitted must be signed.

#### 4. FORMAT IN WHICH INFORMATION IS REQUESTED

Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.

#### 5. RIGHT TO BE EXERCISED OR PROTECTED

Indicate what right is to be exercised and/or protected and why the information is required to protect and/or to exercise this right.

#### 6. NOTICE OF APPROVAL / REJECTION OF REQUEST

You will be notified via e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:

Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2021

**Signature of person submitting the request** \_\_\_\_\_