



WELGEVONDEN
ESTATE

MANUAL PREPARED IN ACCORDANCE WITH

**SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT**

**Act No. 2 of 2000
("the Act")**

FOR

WELGEVONDEN HOME OWNERS' ASSOCIATION

Index

Entity overview	1
Part I	1
Part II	1
Part III	2
Part IV	2
Part V	2
Part VI	3
Part VII	3
Part VIII	3
Part IX	3
Form C – Request for Access	4

WELGEVONDEN HOME OWNERS' ASSOCIATION

Entity Overview

The purpose of Welgevonden is to carry out the functions of a Home Owners' Association as contained in the Scheme's Constitution. This includes, but is not limited to, the day to day administration of the Scheme, the enforcement of rules, the establishment of a fund made up of members' levies and the maintenance of common property.

Part I

(Information required under Section 51(1)(a) of the Act)

Name of body:	Welgevonden Home Owners' Association
Physical address:	Ground Floor Mandela Rhodes Place Cnr Wale & Burg Streets CAPE TOWN 8001
Postal address:	PO Box 2398 CAPE TOWN 8000
Head of body:	The Chairperson
Telephone no:	021 426 4440
Fax no:	021 426 0777
Email:	mrp@pamgolding.co.za

Part II

(Information required under Section 51(1)(b) of the Act)

The Act grants a requester access to the records of a private body, if the record is required for the exercise or protection of any right. For a request from a public body to be granted they must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.

In terms of Section 10, requesters are referred to the guide compiled by the South African Human Rights Commission (SAHRC) which contains information for the purposes of exercising Constitutional Rights. The guide is available from SAHRC.

The South African Human Rights Commissioner:
PAIA Unit, The Research and Documentation Department

Postal address:	Private Bag X2700 Houghton 2041
Telephone:	+27 11 877 3600
Fax:	+27 11 403 0625
Website:	www.sahrc.org.za
E-mail:	dmalesa@sahrc.org.za

Part III

(Copy of Notice, if any, required under Section 51(1)(c) of the Act)

Currently not applicable.

Part IV

(Information required under Section 51(1)(d) of the Act)

Welgevonden holds information/documents in accordance with statutory legislation, including but not limited to:

- Companies Act Number 61 of 1973;
- Income Tax Act 58 of 1962;
- Value Added Tax Act 89 of 1991;
- Regional Services Councils Act 109 of 1985;
- Unemployment Insurance Act 63 of 2001;
- Labour Relations Act 66 of 1995;
- Basic Conditions of Employment Act 75 of 1997;
- Estate Agency Affairs Act 112 of 1976;
- Community Schemes Ombud Service Act 9 of 2011;
- Skills Development Levies Act 9 of 1999;
- Pension Funds Act 24 of 1956;
- Medical Schemes Act 131 of 1998;
- Financial Advisory and Intermediary Services Act 37 of 2002;
- National Credit Act 34 of 2005;
- Protection of Personal Information Act 4 of 2013;
- The Promotion of Access to Information Act 2 of 2000.

The above records which are of a public nature are available automatically without having to request access thereto in terms of the Act, as envisaged in Section 52.

Part V

(Information required under section 51(1)(e) of the Act)

Welgevonden holds information on the following subjects in respect of which it holds record (please note that this is not an exhaustive list):

- Records relating to the commercial, financial and professional interests of Welgevonden including but not limited to its owners' data base, fee structures, commercial contracts with third parties and its business plans, systems and procedures;
- Records of personal information of present, past and prospective employees and Trustees of Welgevonden;
- Records of owners of Welgevonden containing personal information, commercial and financial information, information pertaining to contemplated, existing and past litigation, information on agreements, proposals and intellectual and other property of such owners.

The above records are available to a requestor subject to the provisions of the Act. A request must be made in the prescribed form, addressed to the Head of Welgevonden Home Owners' Association and information will be provided on payment of the required fee.

A. The Request Procedure

i. Form of Request

- The requester must have the prescribed form being Form C hereto to make the request for access to a record. This must be made to the Head. This request must be made to the address, fax number or electronic mail address of Welgevonden.
- The requester must provide sufficient detail on the request form to enable the Head to identify the record and the requester. The requester should also indicate which form of access is required and

specify a postal address or fax number in the Republic. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

- The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of the right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Head.
- Should your request be refused for whatever reason and you wish to take the matter further, you can liaise with the South African Human Rights Commission: David Malesa 011 877 3678 or Schalk van Rensburg 011 877 3642.

ii. Fees

A requester who seeks access to records 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:

- The Head must by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request.
- The fee that the requester must pay is as per the fee schedule as prescribed in the Government Gazette. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for reproduction, for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Part VI

(Other information as may be prescribed under Section 51(1)(f) of the Act)

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

Part VII

(Updating of manual required under Section 51(2)(e) of the Act)

This manual will be updated on a regular basis by Welgevonden Home Owners' Association as required by the Act.

Part VIII

(Availability of manual under Section 51(3) of the Act)

An unabridged version of this manual is available for inspection by the general public upon request, during office hours and free of charge at the office address of Welgevonden as set out in Part I. Copies may also be requested from the South African Human Rights Commission.

Part IX

(Prescribed form and fee structure in respect of private bodies)

The forms and fee structure prescribed under the Act are available at the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the section titled "regulations".

WELGEVONDEN HOME OWNERS' ASSOCIATION

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body:

Name: WELGEVONDEN HOME OWNERS' ASSOCIATION
Street address: Ground Floor, Mandela Rhodes Place, Cnr Wale & Burg Streets,
CAPE TOWN, 8001
Postal address: PO Box 2398, CAPE TOWN, 8000
Tel: 021 426 4440
Fax: 021 426 0777
Email: mrp@pamgolding.co.za

The Head of Information: The Chairperson

B. Particulars of person requesting access to the record

- (a). *The particulars of the person who requests access to the record must be given below.*
- (b). *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c). *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, if made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a). *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b). *If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a). *A request for access to the record, other than a record containing personal information about yourself, will only be processed after a request fee has been paid.*
- (b). *You will be notified of the amount required to be paid as the request fee.*
- (c). *The fee payable for access to the record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d). *If you qualify for exemption of the payment of the prescribed fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability _____ Form in which record is required _____

Mark the appropriate option with an "X".

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will partly be determined by the form in which access is requested.

1. If the record is in written or printed form -

copy of record inspection of record

2. If record consists of visual images – this includes photographs, slides, video recordings, computer generated images, sketches, etc.)

view the images copy the images" transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound –

listen to the soundtrack (audio cassette) transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form -

printed copy of record* printed copy of information derived from the record" copy in computer readable form* (stiffy or compact disk)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable. YES NO

G. Particulars of right to be exercised or protected

If the space provided is inadequate to complete this section, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected

2. Explain why the requested record is required for the exercising or protection of the aforementioned right

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How will you be informed of the decision regarding your request for access to the record?

Signed at on this day of 20

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE