

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000 ("The Act")**

SECTION 51 MANUAL FOR

AMBER VALLEY BODY CORPORATE

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PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

INTRODUCTION

Amber Valley Body Corporate is a retirement village situated in Howick, KwaZulu-Natal.

PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

1. CONTACT DETAILS [Section 5](1) (a)]

Amber Valley Body Corporate has duly authorised the Financial Manager to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act 2, 2 of 2000.

Postal address: Private Bag X30
Howick
3290

Street address: Amber Valley
3 Karkloof Road
Howick
3290

Telephone: +27 33 239 5997

Fax: +27 86 550 9909

Website: www.amber-valley.co.za

E-mail: fm.ambervalley@iuncapped.co.za

2. THE GUIDE AS DESCRIBED IN SECTION 10 [Section 51(1)(b)]

This guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission: Postal address:

Private Bag 2700
HOUGHTON
2041

Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582

Website: <http://www.sahrc.org.za>

3. CATEGORIES OF RECORDS OF AMBER VALLEY BODY CORPORATE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF SECTION 52(2) OF THE ACT [Section 5](1)(c)J

Amber Valley Body Corporate is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so. Nevertheless Amber Valley Body Corporate does make certain information freely available to the public on its internet web site at www.amber-valley.co.za.

4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION [Section 51(1)(d)]

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 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 58 of 1962
- Labour Relations Act 66 of 1995
- Liquor Act 59 of 2003
- National Environmental Management Act 107 of 1998
- National Water Act 36 of 1998
- Occupational Health and Safety Act 85 of 1993
- Skills Development Levies Act 9 of 1999
- Transfer Duties Act 40 of 1949
- Unemployment Insurance Act 63 of 2001
- Value-Added Tax Act 89 of 1991
- Nursing Act 50 of 1978
- Older Persons Act 13 of 2006
- Sectional Titles Act 95 of 1986

5. HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS ON WHICH WE HOLD RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT [Section 51(1)(e)]

5.1 How to request a record

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body, or his duly authorised deputy. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be informed.

- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of 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 then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body will then make a decision on the request and notify the requester in the required form.

5.2 Categories of records held by Amber Valley Body Corporate

5.2.1 Webpage

The web page, www.amber-valley.co.za, is accessible to anyone who has access to the internet.

5.2.2 Internal records

The following are records pertaining to Amber Valley Body Corporate's own affairs:

Accounting records

- Books of account including journals and ledgers
- Orders, invoices, statements, receipts, vouchers and bills of exchange

Statutory employee records

- Employees' names and occupations
- Time worked by each employee
- Remuneration paid to each employee
- Date of birth of each employee
- Attendance register
- Salary and wages register
- Determinations made in terms of the Wage Act
- Staff records (after date of employment ceases)

Other employee records

- Employee contracts
- Study assistance schemes
- Maternity leave policy
- Group provident fund
- Code of conduct

Environmental health and safety records

- Water quality monitoring programme records
- Waste water assessment and monitoring records
- Safety management systems, data and audits
- Environmental management programs and systems
- Environmental authorisations

Fixed property records

- Title deeds
- Leases
- Building plans

Movable property records

- Asset register
- Finance and lease agreements

Agreements and contracts

- Material agreements concerning provision of services or materials
- Acquisition or disposal documentation
- Agreements with contractors and suppliers
- Agreements with customers
- Purchase or lease agreements

Taxation

- Copies of all income tax returns and other tax returns and documents

Legal

- Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation
- Material licenses, permits and authorisations

Insurance records

- Insurance policies
- Claim records
- Details of insurance coverage, limits and insurers

Information technology

- Hardware
- Operating systems
- Telephone exchange equipment
- Telephone lines, leased lines and data lines
- LAN installations
- Software packages

- Disaster recovery
- Agreements
- Licenses

5.2.3 Other records

We hold further records, including:-

- Information relating to Amber Valley Body Corporate's own commercial activities
- Procurement and administration for Amber Valley Body Corporate; and
- Research information belonging to Amber Valley Body Corporate or carried out on behalf of a third party.

6. OTHER INFORMATION AS MAY BE PRESCRIBED [Section 5] (1)(f)]

No such information has been prescribed.

7. AVAILABILITY OF THE MANUAL [Section 51 (3)]

This manual is available from the South African Human Rights Commission (see details above), from Amber Valley Body Corporate, and in electronic format at www.amber-valley.co.za.

Signed:

Chairman: Amber Valley Body Corporate

ANNEXURE 1
FORM C (of Regulation 10)
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head: Amber Valley Body Corporate

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, when made on behalf of another person:

C. Particulars of person on whose behalf the 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 the 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 provided space 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 a record, other than a record containing personal information about yourself, will be processed only 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 a 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 any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

.....
.....
.....
.....
.....
.....
.....
.....

F. Form of access to the record

<i>If you are prevented by a disability from reading, viewing or listening 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.</i>					
Disability:		Form in which record is required:			
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>					
1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If the record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If the record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)		
4. If the record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (compact disc)		
* 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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, 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 record requested is required for the exercise 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/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record:

Signed at _____ this _____ day of _____ 20__.

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE 2

FEES IN RESPECT OF PRIVATE BODIES

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:

	R
(a) For every photocopy of an A4-size page or part thereof	
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	0,75
(c) For a copy in a computer-readable form on:	
(i) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	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)	R
(a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on:	
(i) compact disc	7,50
(d) (i) For a transcription of visual images, for an A4-size page	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page	20,00
(ii) For a copy of an audio record	30,00

(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.