



## **K'Shane Homeowners Association**

*(Voluntary Association Not for Gain)*

Tel: +27 12 253-5042 Cell: +27 63 59 22 000

E-mail: [manager@kshanehoa.co.za](mailto:manager@kshanehoa.co.za) / [admin@kshane.biz](mailto:admin@kshane.biz)

Postal: P.O Box 400, KOSMOS X 3, 0261

Physical: K'Shane Estate, Cassonia Road (R512), KOSMOS X 3

# **MANUAL: POPI/PAIA ADMISSION**

*IN TERMS OF SECTION 51 OF*

*THE PROMOTION OF ACCESS TO INFORMATION ACT 2/2000*

*(THE "ACT")*

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## 1. INTRODUCTION

*K'Shane Homeowners Association (herein after referred to as "KHA")* is a *Voluntary Association not for Gain* and a self-managed community service provider in North-West Province, South Africa.

"Community Services": The services being the maintenance and up keeping of the common property and the service availability to all even within the Estate including electricity, water, garbage collection and processing of sewage.

## 2. COMPANY CONTACTS DETAILS (SECTION 51 (1) (A))

### PERSONS DESIGNATED/DULY AUTHORISED PERSONS

#### TRUSTEES 2019/2020:

Mr. Marcel Damen  
Ms. Caroline Dunne  
Mr. Norman Marshall  
Mr. Gary Pearson  
Mr. Markus Venter  
Mr. Brett Watson  
Mr. Rod Nielsen (Developer)

#### ESTATE MANAGER:

Ms. Rika Erasmus

#### ESTATE OPERATIONAL SUPERINTENDENT:

Mr. Francois du Preez

#### INFORMATION OFFICER:

Ms. Rika Erasmus

#### CONTACT NO:

+27 63 592 2000  
(012) 253-5042

#### E-MAIL:

[manager@kshanehoa.co.za](mailto:manager@kshanehoa.co.za) / [admin@kshane.biz](mailto:admin@kshane.biz)

#### DEPUTY INFORMATION OFFICER:

Mr. Francois du Preez

#### CONTACT:

+27 76 092 3804

#### E-MAIL:

[operations@kshanehoa.co.za](mailto:operations@kshanehoa.co.za) / [operations@kshane.biz](mailto:operations@kshane.biz)

#### POSTAL ADDRESS:

P O BOX 400  
KOSMOS x 3  
0261

#### PHYSICAL ADDRESS:

K'Shane Lake Lodge  
Cassonia Road (R512)  
KOSMOS X 3  
NORTH WEST PROVINCE

## 3. THE ACT (SECTION 51 (1) (B))

3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

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

3.3 Requesters are referred to the guide in terms of section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purpose of exercising Constitutional Rights. The Guide is available from the SAHRC.

#### Contact Details of the South African Human Rights Commission:

#### POSTAL ADDRESS:

PRIVATE BAG 2700  
HOUGHTON  
2041

TELEPHONE NUMBER: +27 11-877 3600  
 FAX NUMBER: +27 11-403 0625  
 WEBSITE: [www.sahrc.rog.za](http://www.sahrc.rog.za)

#### 4. APPLICABLE LEGISLATION (SECTION 51 (1) (D))

NO	REF	ACT
1.	NO 71 OF 2008	COMPANY ACT
2.	NO 55 OF 1998	EMPLOYMENT EQUITY ACT
3.	NO 95 OF 1967	INCOME TAX ACT
4.	NO 66 OF 1995	LABOUR RELATIONS ACT
5.	NO 75 OF 1997	BASIC CONDITIONS OF EMPLOYMENT ACT
6.	NO 2 OF 2000	PROMOTION OF ACCESS OF INFORMATION ACT
7.	NO 4 OF 2013	PROMOTION OF PERSONAL INFORMATION ACT
8.	NO 30 OF 1996	UNEMPLOYMENT INSURANCE ACT
9.	NO 85 OF 1993	OCCUPATIONAL HEALTH & SAFETY ACT
10.	NO 130 OF 1993	COMPENSATION FOR OCCUPATIONAL INJURIES & DISEASES ACT
11.	NO 101 OF 1998	NATIONAL VELD & FOREST FIRE ACT

#### 5. SCHEDULE OF RECORDS (SECTION 51(1)(D))

RECORDS	SUBJECT	AVAILABILITY
<b>PUBLIC AFFAIRS</b>	<ol style="list-style-type: none"> <li>1. KHA Contact Details</li> <li>2. KHA Approved Estate Agents &amp; contact details</li> <li>3. KHA Constitution</li> <li>4. KHA Rules &amp; Regulations</li> <li>5. Local Authority: Conditions of Township Establishment &amp; Development</li> </ol>	<p>Points 1-2: All available on web site <a href="http://www.kshanehoa.co.za">www.kshanehoa.co.za</a> or at the KHA Office</p>
<b>OWNER AFFAIRS</b>	<ol style="list-style-type: none"> <li>6. KHA Annual AGM/SGM- Minutes, Chairperson Report</li> <li>7. KHA Resolutions</li> <li>8. KHA Newsletters/Communiques</li> <li>9. KHA Service Providers</li> <li>10. KHA Owner Social Function photos</li> <li>11. KHA Owner Annual Calendar (meetings, social events etc.)</li> </ol>	<p>Points 3-10: Available on owners' portal (pre-registration &amp; login required)</p>
<b>FINANCIAL</b>	<ol style="list-style-type: none"> <li>1. Annual Audited Financial Statements</li> <li>2. Annual Budget</li> <li>3. Company accounting records, bank statements, creditor and debtor accounts, up and to trail balance.</li> <li>4. Auditors files</li> <li>5. SARS files</li> </ol>	<ol style="list-style-type: none"> <li>1. KHA office &amp; AGM Documentation, owner's portal on approval</li> <li>2. KHA office &amp; AGM Documentation, owner's portal on approval</li> <li>3. Request in terms of PAIA</li> <li>4. Request in terms of PAIA.</li> <li>5. Request in terms of PAIA.</li> </ol>

	<ol style="list-style-type: none"> <li>6. Staff remuneration records and budget details</li> <li>7. Levy role</li> <li>8. KHA Insurance Policy</li> <li>9. KHA Trustees &amp; Officers Liability Insurance Policy</li> <li>10. KHA Fidelity Fund Insurance Policy</li> </ol>	<ol style="list-style-type: none"> <li>6. Request in terms of PAIA.</li> <li>7. Request in terms of PAIA.</li> <li>8. Request in terms of PAIA.</li> <li>9. Request in terms of PAIA.</li> <li>10. Request in terms of PAIA.</li> </ol>
<b>OWNERS</b>	<ol style="list-style-type: none"> <li>1. Registered owners &amp; contact details</li> <li>2. Levy account details</li> <li>3. Personal registration details</li> <li>4. Biometric access details</li> <li>5. Owners votes and details</li> <li>6. Litigation between owner and KHA Details &amp; Debt collection</li> <li>7. CSOS Arbitration &amp; Litigation details</li> <li>8. Dispute resolution details</li> <li>9. Vehicle, watercraft registration details</li> <li>10. Tenant information &amp; personal details</li> <li>11. Owners files</li> </ol>	<ol style="list-style-type: none"> <li>1. Request in terms of PAIA.</li> <li>2. Request in terms of PAIA.</li> <li>3. Request in terms of PAIA.</li> <li>4. Request in terms of PAIA.</li> <li>5. Request in terms of PAIA.</li> <li>6. Request in terms of PAIA.</li> <li>7. Request in terms of PAIA.</li> <li>8. Request in terms of PAIA.</li> <li>9. Request in terms of PAIA.</li> <li>10. Request in terms of PAIA.</li> <li>11. Request in terms of PAIA.</li> </ol>
<b>HUMAN RESOURCES</b>	<ol style="list-style-type: none"> <li>1. Employee Personal details</li> <li>2. Employee Personal files &amp; Contracts</li> <li>3. Employment records</li> <li>4. Leave records</li> <li>5. Training records</li> <li>6. Appraisal records</li> <li>7. Special benefits</li> <li>8. Protective clothing records</li> <li>9. Provident fund records</li> <li>10. Medical records</li> <li>11. Workmens compensation records</li> <li>12. Interview &amp; appointment records</li> <li>13. Disciplinary records</li> <li>14. CCMA &amp; Litigation records</li> <li>15. Employee Biometric registration records</li> <li>16. KHA Trustees personal details/information</li> <li>17. KHA Audit reports on OSHA with staff details</li> <li>18. Staff accommodation details</li> <li>19. CSOS &amp; Litigation records</li> <li>20. Dispute resolution &amp; Arbitration records</li> <li>21. Delegation of Authority records</li> </ol>	<ol style="list-style-type: none"> <li>1. Request in terms of PAIA.</li> <li>2. Request in terms of PAIA.</li> <li>3. Request in terms of PAIA.</li> <li>4. Request in terms of PAIA.</li> <li>5. Request in terms of PAIA.</li> <li>6. Request in terms of PAIA.</li> <li>7. Request in terms of PAIA.</li> <li>8. Request in terms of PAIA.</li> <li>9. Request in terms of PAIA.</li> <li>10. Request in terms of PAIA.</li> <li>11. Request in terms of PAIA.</li> <li>12. Request in terms of PAIA.</li> <li>13. Request in terms of PAIA.</li> <li>14. Request in terms of PAIA.</li> <li>15. Request in terms of PAIA.</li> <li>16. Request in terms of PAIA.</li> <li>17. Request in terms of PAIA.</li> <li>18. Request in terms of PAIA.</li> <li>19. Request in terms of PAIA.</li> <li>20. Request in terms of PAIA.</li> <li>21. Request in terms of PAIA.</li> </ol>
<b>SECURITY</b>	<ol style="list-style-type: none"> <li>1. Company registration status</li> <li>2. Biometric registration details</li> <li>3. CCTV footage</li> </ol>	<ol style="list-style-type: none"> <li>1. Request in terms of PAIA.</li> <li>2. Request in terms of PAIA.</li> <li>3. Request in terms of PAIA.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Employment information</li> <li>5. Security SLA</li> <li>6. Standard Operational procedures</li> </ol>	<ol style="list-style-type: none"> <li>4. Request in terms of PAIA.</li> <li>5. Request in terms of PAIA.</li> <li>6. Request in terms of PAIA.</li> </ol>
<b>MANAGEMENT</b>	<ol style="list-style-type: none"> <li>1. Trustee meeting Minutes &amp; Resolutions</li> <li>2. Management meeting minutes</li> <li>3. Staff meeting minutes</li> <li>4. Official correspondence with owners</li> <li>5. Official correspondence with debtors or creditors</li> <li>6. Official correspondence with service providers</li> <li>7. Official correspondence with Company Auditors and Financial Institutes</li> <li>8. Litigation cases between KHA and second parties.</li> <li>9. OSH Act files/ Reports/Findings</li> <li>10. Maintenance meetings</li> <li>11. Official correspondence with Employers Organization/s</li> <li>12. Maintenance schedules and check lists</li> <li>13. Service contracts with service providers</li> <li>14. Registration details and contracts with Estate Agents</li> <li>15. Agreements with servitudes and pond owners</li> <li>16. Sectional Title Boat locker agreements and documents</li> <li>17. Sectional Title Cabana agreements and documents</li> <li>18. Health &amp; Safety Register</li> <li>19. Fleet registration &amp; License documents</li> <li>20. Utility records including, Sewerage Plant reports, Electrical reticulation boxes, water testing reports, water/electricity usage and readings.</li> </ol>	<ol style="list-style-type: none"> <li>1. Request in terms of PAIA.</li> <li>2. Request in terms of PAIA.</li> <li>3. Request in terms of PAIA.</li> <li>4. Request in terms of PAIA.</li> <li>5. Request in terms of PAIA.</li> <li>6. Request in terms of PAIA.</li> <li>7. Request in terms of PAIA.</li> <li>8. Request in terms of PAIA.</li> <li>9. Request in terms of PAIA.</li> <li>10. Request in terms of PAIA.</li> <li>11. Request in terms of PAIA.</li> <li>12. Request in terms of PAIA.</li> <li>13. Request in terms of PAIA.</li> <li>14. Request in terms of PAIA.</li> <li>15. Request in terms of PAIA.</li> <li>16. Request in terms of PAIA.</li> <li>17. Request in terms of PAIA.</li> <li>18. Request in terms of PAIA.</li> <li>19. Request in terms of PAIA.</li> <li>20. Request in terms of PAIA.</li> </ol>
<b>ARCHIVES</b>	All archive documents relating to the entire above schedule excluding the Section-Public Affairs	Request in terms of PAIA.

## 6. FORMS OF REQUEST (SECTION 51 (1) (E))

To facilitate the processing of a request the requester must:

6.1 Complete the prescribed form:

***FORM C: REQUEST FOR ACCESS TO RECORDS OF A PRIVATE BODY***

(available at the KHA Office or on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za))

6.2 The form must be submitted to:

The Estate Manager  
Po Box 400  
KOSMOS x 3  
0261 (to be submitted via registered mail)

OR;

Scanned form mailed to [admin@kshane.biz](mailto:admin@kshane.biz) / [manager@kshanehoa.co.za](mailto:manager@kshanehoa.co.za) (please include a  
“read/received receipt”)

6.3 Sufficient details must be provided to enable the KHA to identify:

- (a) The record(s) requested
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access requires:
  - (i) The postal address or e-mail address of the requester in the Republic;
  - (ii) If the requester is required to pay the prescribed fees before a request will be processed (See Attached Annex)
- (d) The right which the requester is seeking to exercise or protect with an explanation of the reason/s the record is required to exercise or protect the right.

## 7. PRESCRIBED FEES (SECTION 51 (1) (F))

7.1 A requester is required to pay the prescribe fees before a request will be processed (See attached Annex)

7.2 If the preparation of the record requested requires more than the prescribed hours (6), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted)

7.3 A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit

7.4 Records may be withheld until the fees have been paid

7.5 The following fee structure is applicable and can be verified with the South-African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za)

## ANNEX-1

### Section 51 (1)(f)

#### **7. FEES IN RESPECT OF REQUESTS FOR INFORMATION FEES IN RESPECT OF PRIVATE BODIES:**

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c)  
For every photocopy of an A4-size paper or part thereof. R1.10
2. The fee for reproduction referred to in regulation 11(1) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R1.10
  - (b) For any printed copy of an A4-size page or part thereof held on a PC  
Or in electronic or machine-readable form R0.75
  - (c) For any visual image or part thereof R150.00
3. The request fee payable by a requester, other than a personal requester,  
Referred to in regulation 11 (2) is R100.00
4. The access fee payable by a requester referred to in regulation 11 (3)
  - (1)
    - (a) For every copy of an A4-size page or part thereof R1.10
    - (b) For every printed copy of an A4-size page or part thereof held on a PC  
Or in electronic or machine-readable form R0.75
    - (c) For any visual image or part thereof R150.00
    - (d) To search for and prepare the record for disclosure, R150.00 for each hour  
Or part of an hour reasonable required for such search and preparation.
  - (2) For purposes of section 54(2) of the Act, the following apply:
    - (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.

## FORM C

### REQUEST FOR ACCESS TO RECORD/S 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 Estate Manager -K'Shane Homeowners Association (*Voluntary Association not for gain*)

#### 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.  
(i) The address and/or e-mail address in the Republic to which the information is to be given.  
(ii) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and Surname: \_\_\_\_\_

Identification No: \_\_\_\_\_

K'Shane Erf no (if applicable): \_\_\_\_\_

Postal address: \_\_\_\_\_

Code: \_\_\_\_\_

Telephone No: \_\_\_\_\_

Cellular No: \_\_\_\_\_

E-Mail address: \_\_\_\_\_

Capacity in which request is made, when 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: \_\_\_\_\_

IDENTIFICATION NO: \_\_\_\_\_

K'Shane Erf no (if applicable): \_\_\_\_\_

#### 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 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:**

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**2. Reference number, if available:** \_\_\_\_\_

**3. Any further particulars of record:**

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**E. FEES**

(a) A request for access to a record, other than 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.

**F. REASONS FOR EXEMPTION FROM PAYMENT OF FEES:**

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
<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 is payable for access of the record, if any, will be determined partly by the form in which access is requested</p>	

<b>1. If the record is in written or printed form:</b>			
Copy of record		Inspection of record	
<b>2. If record consist of visual images</b> This includes photographs, slides, video recordings, computer generated images, sketches, etc.			
View image		Copy of image	Transcription of images
<b>3.If record consist of words or information which can be reproduced in sound:</b>			
Listen to the soundtrack		Transcription of the soundtrack	
<b>4. If record is held on computer or in machine-readable form:</b>			
Printed copy of record		Printed copy of information derived from the record	Copy in computer readable form (CD)
If you request a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you if postage is available?		YES	NO

**G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED.**

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

1. Indicate which right is to be exercised or protected:

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

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**H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

You will be notified in writing via post/e-mail wherever your request has been approved/denied. If you wish to be informed in another manner and provide the necessary particles to enable compliance with your request.

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

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Signed at.....

Date.... /...../.....

.....  
**SIGNATURE OF REQUESTER/ PERSON ON  
WHOSE BEHALF REQUEST IS MADE**

RECEIVED AT K'SHANE HOMEOWNERS ASSOCIATION ON ..... DAY OF .....20.....

\_\_\_\_\_  
**INFORMATION OFFICER: MS RIKA ERASMUS  
(ESTATE MANAGER)**

\_\_\_\_\_  
**DEPUTY INFORMATION OFFICER: MR FRANCOIS DU PREEZ  
(ESTATE OPERATIONAL SUPERINTENDENT)**