

This PAIA manual was prepared in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (PAIA) and is applicable to Raptors View Wildlife Estate.

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1. PAIA – the act and guide on how to use it

- According to the South Africa Human Rights Council (SAHRC) website, the objectives of PAIA are listed as:
 - To promote transparency, accountability and effective governance of all public and private bodies
 - To assist members of the public to effectively scrutinize and participate in decision making by public bodies
 - To ensure that the state promotes a human rights culture and social justice
 - To encourage openness
 - To establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner
- The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA
 - This guide is available from the SAHRC
 - Postal address: Private Bag 2700, Houghton 2041
 - Physical address: Braampark Forum 3, 33 Hoofd Street, Johannesburg
 - Telephone: +27 11 877 3600
 - Website: www.sahrc.org.za
 - Email: paia@sahrc.org.za

2. RVHOA – the association

- RVHOA is a non-profit

3. RVHOA – contact details

- Company details:
 - Raptor's View Home Owners Association
 - Company registration number: 2001/00705/08
- Physical Address:
 - Unit 14
 - Safari Junction
 - Hoedspruit 1380
- Postal Address:
 - PO Box 1502
 - Hoedspruit
 - 1380
- Email:
 - admin@raptorsviewhoa.co.za
- CEO & Designated Information Officer
 - James Cary
 - Telephone: 0157930267
 - Email: generalmanager@raptorsviewhoa.co.za
- Deputy Information Officer
 - Vanessa Berlein

- Telephone: 0157930267
- Email: admin@raptorsviewhoa.co.za

4. Automatically available records

- RVHOA makes freely available a range of documents
 - these documents are available on the RVHOA website (www.raptorsview.co.za), under the following categories

5. Records available in terms of other legislation

- Where applicable, in terms of the functioning of the association, information relating to the following legislation is available:
 - Basic Conditions of Employment Act No. 75 of 1997
 - Companies Act No. 61 of 1973
 - Companies Act No. 71 of 2008
 - Employment Equity Act No. 55 of 1998
 - Income Tax Act No. 58 of 1962
 - Labour Relations Act No. 66 of 1995
 - Protection of Personal Information Act No. 4 of 2013
 - Skills Development Act No. 97 of 1998
 - Unemployment Insurance Act No. 63 of 2001

6. Records that may be requested

- It must be noted that listing the below summary of records, or category of records, does not automatically mean access will be granted.
 - Each application for access to information will be judged on its merit
 - RVHOA takes the Protection of Personal Information Act (POPIA) very seriously and all PAIA applications will be considered in accordance with the POPIA and PAIA
- Where applicable to the association, the following records may be requested:
 - Association records
 - Memorandum of incorporation
 - Minutes of Board Meetings
 - Documentation relating to directors' appointments
 - Asset register
 - Insurance policies
 - Financial records
 - Annual financial statements as prepared by auditors
 - Accounting documentation
 - Bank statements and records
 - Financial transactions (invoices and payments)
 - Personnel documents and records
 - Employee contracts and personal information
 - Payroll information
 - Vacation records
 - Membership records

- Register of current and past membership
- Membership fees paid
- List of persons participating in the association's Continuous Professional Development (CPD) programme and certification status

- Commercial contracts
 - Office space lease agreements
 - Office equipment lease agreements
- Training course documentation

- Agendas and minutes of the association's forums and working groups

7. Process for requesting records

- It must be noted that the action of applying for access to information does not guarantee said access
 - Each application for access to information will be judged on its merit
 - RVHOA takes the Protection of Personal Information Act (POPIA) very seriously and all PAIA applications will be considered in accordance with the POPIA and PAIA
- All requests for access to information must be submitted to RVHOA on the designated request form – see section 9, Prescribed Forms (PAIA section 53(1))
 - All completed request forms are to be submitted to the RVHOA CEO using the email or postal addresses detailed in section 3
 - Said request form must require the requester to ((PAIA section 53 (2)(a) to (f)):
 - Provide sufficient information so as to provide the CEO of RVHOA the ability to identify:
 - the record or records requested and the requester
 - which form of access is required
 - to specify a postal address or fax number of the requester in the Republic;
 - to identify the right the requester 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, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed
 - if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.
- Fees
 - As per the terms of the PAIA, fees are payable by the requester to RVHOA for the search, preparation and copying of documents (PAIA section 54 (1))
 - Even if the request for access to information is granted, no information will be supplied to the requester before the prescribed fees have been paid

- The prescribed fee structure as published by the South African Human Rights Commission is available in Annexure B
- Notification
 - Once the RVHOA CEO has made a decision (as soon as reasonably possible but within 30 days of receipt of the request for access to information) regarding the requested access, the requester will be notified as to the decision taken in the form of notification detailed by the requester on the prescribed request form
- Records that cannot be found or do not exist
 - If all reasonable steps have been taken to find a requested record requested and there are reasonable grounds for believing that the record is in the possession of RVHOA but cannot be found, or does not exist:
 - The CEO of RVHOA will, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record (PAIA section 55 (1))
- Grounds for refusal
 - The PAIA clearly protects the privacy of a third party (PAIA sections 63, 64, 65 & 67)
 - The CEO of RVHOA will take these sections into consideration when processing any request for access to information

8. Availability of this manual

- A copy of this manual is available upon request from either the Designated Information Officer or the Deputy Information Officer using the contact details listed in section 3 of this manual.

9. Prescribed forms

- Annexure 'A' contains the designated request for access to information form

ANNEXURE "A"

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:

B. Particulars of person requesting access to the record

Full names and surname:

Identity number:

Postal address:

Telephone number:

Fax number (if applicable):

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

Full names and surname:

Identity number:

D. Particulars of record

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

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

Reason for exemption from payment of fees:

F. Form of access to record

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

Copy of record* Inspection of record

2. If record consists of visual images

(includes photographs, slides, video recordings, computer-generated images, sketches, etc)

View the images copy of 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* (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. YES NO

G. Particulars of right to be exercised or protected

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:

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.

H. Notice of decision regarding request for access

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

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and *effortlessly* as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

ADVOCATE L. M. MASHWANA

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.