# THE BODY CORPORATE OF DEWHURST

**(Sectional Title Registration number SS No: 292/2013)**

# ACCESS TO INFORMATION MANUAL
# (PRIVATE BODY)

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA")**



The bellbuoy Group
Leaders in Property Management

# Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

## 1 THE BODY CORPORATE OF DEWHURST

The Body Corporate of Dewhurst is a sectional title development (referred to as a 'scheme'), and provides for individual ownership rights relating to parts of the land and building. The scheme falls under the control of the Sectional Titles Schemes Management Act 8 of 2011 (as amended), Community Schemes Ombud Service Act 9 of 2011 (as amended) and the Sectional Titles Act 95 of 1986 (as amended).

**THE BODY CORPORATE OF DEWHURST** supports the constitutional right of access to information and is committed to provide access to their records in accordance with the provisions of the Act, the confidentiality owed to third parties and the principles of South African law.

Physical Address of the Body Corporate

The scheme is physically situated at Erf 8573 Grahamstown, Holland Street, Grahamstown,6139.

The registered (domicilium) and postal address of the Body Corporate:

Bellbuoy (Pty) Ltd t/a The Bellbuoy Group

200 Norvic Drive, Greenacres, Port Elizabeth, 6001

P O Box 7660, Newton Park 6055

## 2 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on the website of the managing agents, The Bellbuoy Group, www.bellbuoy.co.za or by sending a request for a copy to the Information Officer by email, refer point 4 below for contact details. The Manual may also be obtained from the South African Human Rights Commission ("SAHRC") at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.

## 3 HOW TO REQUEST ACCESS TO RECORDS

Requests for access to records held by the managing agent must be made on the request forms that are available from, the SAHRC website www.sahrc.org.za or the Department of Justice and Constitutional Development Documents | InfoRegSA (justice.gov.za) or the Bellbuoy website www.bellbuoy.co.za

A non-refundable request fee of R50 plus VAT is payable. Payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to the Information Officer at the address, fax number or electronic mail address provided for below.

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 and 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 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 Information Officer of the Body Corporate of Dewhurst.

The standard form that must be used for the making of requests can be accessed on the websites listed under point 3 above. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to the Body Corporate of Dewhurst will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the Body Corporate of Dewhurst does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

## 4 CONTACT DETAILS

| | |
|---|---|
| **Name of Private Body** | Body Corporate of **Dewhurst** |
| **Designated Information Officer** | **Jason Walas** |
| **Email address of Information Officer** | jwalas@bellbuoy.co.za |
| **Postal address** | P.O. Box 7660, Newton Park, Port Elizabeth, 6055 |
| **Street address** | **Holland Street, Grahamstown,6139** |
| **Phone number** | 081 388 3637 |
| **Fax number** | N/A |

## 5 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide described in Section 10 of the Act will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

| | |
|---|---|
| Postal address: | Private Bag 2700 |
| | Houghton |
| | 2041 |
| Telephone: | +27 11 484-8300 |
| Fax: | +27 11 484-0582 |
| Website: | www.sahrc.org.za |
| E-mail: | paia@sahrc.org.za |

## 6 VOLUNTARY DISCLOSURE

THE BODY CORPORATE OF Dewhurst has not published a notice in terms of Section 52 of the Act.

## 7 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

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

Sectional Titles Act 95 of 1986

Sectional Titles Schemes Management Act 8 of 2011

Community Schemes Ombud Service Act 9 of 2011

Estate Agency Affairs Act 1976

Debt Collection Act No of 1998

Electronic Communications and Transactions Act 25 of 2002

Income Tax Act 58 of 1962

Labour Relations Act 66 of 1995

Basic Conditions of Employment Act 75 of 1997

Employment Equity Act 55 of 1998

Unemployment Insurance Act 63 of 2001

Skills Development Act 97 of 1998

Skills Development Levies Act 9 of 1999

Occupational Health and Safety Act No.85 of 1993.

Compensation for Occupational Injuries and Health Diseases Act No. 30 of 1993.

Unemployment Contributions Act No.4 of 2002.

## 8 RECORDS HELD

**THE BODY CORPORATE OF DEWHURST** maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

The table below provides an indication of the categories of information held:

| | |
|---|---|
| Administration | • General Meeting Minutes<br>• Minutes of Trustees' Meetings<br>• Resolution Lists<br>• General Correspondence<br>• Owner Information<br>• Trustee Information<br>• Plans<br>• Participation Quota Schedule/s<br>• Rules Governing the Scheme |
| Financial | • Audited Financial Statements<br>• Tax Records |



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| | |
|---|---|
| Employee | • Management Accounts<br>• Employee Records |
| Insurance | • Insurance Policy Documents<br>• Insurance Claims |
| Transfers | • Property Transfer Records |

## 9 SCHEDULE OF FEES

As per Government Gazette 23119 dated 15 February 2002.

1.

| | |
|---|---|
| A photo copy of this manual | R1-10 per page |
| **Request fee (non-refundable)** | |
| Payable on submission of the application form | R50-00 |
| **Access fee** | |
| For searching our records | R30-00 (per hour or part thereof) |

2. *Note*: if the search is likely to take longer than six hours (which would cost more than R180-00), then a deposit of one third (i.e. R60-00) is payable in advance.

3. Reproduction fee:

| | |
|---|---|
| Photocopy (A4 page or part thereof) | R01-10 |
| Printout from a computer or in other electronic or machine-readable form (A4 or part thereof) | R00-75 |
| Computer-readable copy on stiffy disk | R07-50 |
| Computer-readable copy of CD | R70-00 |
| Transcription of visual image (A4 or part thereof) | R40-00 |
| Copy of visual image | R60-00 |
| Transcription of an audio record (A4 or part thereof) | R20-00 |
| Copy of an audio record | R30-00 |

VAT must be added to request, access and reproduction fees.

4. Postage

If the copy of the record is to be sent by post, then postage must be paid in addition to the request, access and reproduction fees.

## 10 **POPI**

This manual evinces compliance with the Promotion of Access to Information Act 2000 (Act No. 2 of 2000). Kindly note, however, that in dealing with requests formulated in accordance with the provisions of the Promotion of Access to Information Act (Act No. 2 of 2000) regard will also be given to the provisions of the Protection of Personal Information Act and any requests for information will be processed in accordance with the Promotion of Access to Information Act read with the Protection of Personal Information Act. The scheme is thus compliant with the provisions of the Promotion of Access to Information Act and provisions of the Protection of Personal Information Act.

Submitted by the duly appointed Information Officer who consents to the display of their information within this manual.

Signature Information Officer: _____

Date:

**PROTECTION OF PERSONAL INFORMATION POLICY**
**DEWHURST**
**(hereafter referred to as THE HOUSING SCHEME)**

## Preamble

This Policy is formulated in terms of and in accordance with the Protection of Personal Information Act 4 of 2013 ('POPIA'). This policy sets out protocols for processing of personal information as well promoting the awareness of the rights of individuals and juristic persons whose personal information it processes in the course of its business.

## 1. DEFINITIONS

1.1 **"Data Subject"** means the person whose personal information is processed.

1.2 "**Information Officers**" means the duly appointed Information Officer/s.

1.3 **"Law"** means any law of general application and includes the common law and any statute, constitution, decree, treaty, regulation, directive, ordinance, by-law, order or any other enactment of legislative measure of government (including local and provincial government) statutory or regulatory body which has the force of law;

1.4 **"Personal Information"** means information relating to an identifiable person, as defined in section 1 of POPIA.

1.5 **"Processing"** means, without limitation, the collection, use, storage, variation, merging, linking, dissemination and destruction of personal information and **Further Processing** shall bear a similar meaning, but will only occur after the initial processing of personal information.

1.6 **"Person"** means a natural or juristic person.

1.7 **"Special Personal Information"** means Personal Information as referred to in Section 26 of POPIA

1.8 When referring to a "**Duly Authorised Representative", "Agent"** or **"Proxy"** in this document, such authorisation shall be in writing, and where applicable, comply with the requirements in line with Chapter 1 of Financial Intelligence Centre Act (FICA) or the Consumer Protection Act (CPA) and accompanying regulations or any other applicable law as the case may be.

## 2. INTRODUCTION

2.1 THE HOUSING SCHEME is committed to serve its stakeholders to the best of its abilities and in doing so, to protect their Personal Information. This policy aims to achieve that purpose and to ensure lawful processing of Personal Information.

2.2 This policy is applicable to any person who deals, transacts with or is within the employ of THE HOUSING SCHEME and to give effect thereto incorporated by reference in any agreement, dealing or transaction between the Data Subject and THE HOUSING SCHEME in respect whereof Personal Information is provided to or collected or otherwise processed by THE HOUSING SCHEME.

2.3 It is important for the Data Subject to familiarize him-,her- or itself with the contents hereof to be adequately informed about why and how their Personal Information is processed and their rights and entitlements under POPIA.

2.4 THE HOUSING SCHEME has duly appointed Information Officers as prescribed by POPIA. The contact details of the Information Officers are set out in the PAIA manual.

## 3. CONSENT FOR THE PROCESSING OF PERSONAL INFORMATION

3.1 THE HOUSING SCHEME will not process Personal Information without the consent of the Data Subject, either personally or on his, her or its behalf by a duly authorised representative or proxy, save where the processing of such personal information is required by Law.

3.2 The supply of Personal Information is voluntary unless the supply is required by Law.

3.3 THE HOUSING SCHEME requires specific Personal Information to be provided by the Data Subject in order to *inter alia* carry out its business functions, to serve the interests of its Stakeholders to perform in terms of contracts.

3.4 THE HOUSING SCHEME acknowledges a Data Subject's right to object to the processing of Personal Information.

3.5 Whilst THE HOUSING SCHEME acknowledges a Data Subject's right to object to the processing of Personal Information, THE HOUSING SCHEME reserves the right to withdraw or refuse its services or products where a Data Subject unreasonably refuses to consent to the processing of Personal Information.

## 4. SOURCING OF PERSONAL INFORMATION

4.1 THE HOUSING SCHEME collects Personal Information:

4.1.1 directly from data subjects, save where –

4.1.2 Personal Information is supplied by a duly authorised proxy or mandated agent of the data subject;

4.1.3 the Data Subject has consented to Personal Information being collected by third parties;

4.1.4 the collection thereof from third parties is required by Law or forms part of a public record.

## 5. CLASSIFICATION OF PERSONAL INFORMATION PROCESSED

5.1 The following Personal Information is processed by THE HOUSING SCHEME:

5.1.1 Information identifying individuals or juristic entities, including but not limited to: names and surnames, identification or registration numbers, passport number, sex, age, marital status, employment information, residential information or business address, nationality, citizenship, home language, preferred communication language. or such other personal information as may be required to enter into a business relationship with the data subject.

5.1.2 Financial information: Including but not limited to the Data Subject's financial institution, bank account number, branch code, salary / income.

5.1.3 Contact information: Including but not limited to physical addresses, electronic mail addresses, fax numbers, telephone numbers, cellphone numbers, postal addresses or such other contact information necessary to maintain the business relationship between THE HOUSING SCHEME and the Data Subject.

5.2 THE HOUSING SCHEME does not process any Special Personal Information as contemplated by POPIA and will not do so without the prior consent of the data subject unless required by Law.

## 6. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

6.1 THE HOUSING SCHEME processes Personal Information for the following purposes, depending on the nature of the dealings with the Data Subject:

6.1.1 Applications for employment;
6.1.2 Applications from goods and service providers
6.1.3 Assessing B-BBEE status, if applicable;

6.1.4 Conclusion of contracts;

6.1.5 Creation and maintenance of Stakeholders' databases;

6.1.6 Human resource purposes;

6.1.7 Legal compliance with statutory laws and regulations;

6.1.8 Maintenance of registers;

6.1.9 Conclusion of security documents (bonds, suretyships, cessions, levy certificated, etc.); or

6.1.10 For any matter necessary or incidental to the effective performance of THE HOUSING SCHEME to give effect to the above matters.

## 7. SHARING OF PERSONAL INFORMATION WITH THIRD PARTIES

7.1 THE HOUSING SCHEME will not share the Personal Information about a Data Subject unless this has been consented to by the Data Subject, save where the sharing of Personal Information is required by Law.

7.2 THE HOUSING SCHEME shall take reasonable measures in ensuring the confidentiality of Personal Information shared with third parties and that third parties are lawfully processing Personal Information as prescribed by POPIA.

7.3 Notwithstanding clause 7.2 above and whilst THE HOUSING SCHEME endeavors to take reasonable steps as contemplated above, it cannot warrant lawful processing of Personal Information by third parties with whom the Data Subject's Personal Information has been shared.

## 8. WHO RECEIVES PERSONAL INFORMATION

8.1 THE HOUSING SCHEME shares or otherwise processes personal information of data subjects with various third parties in conducting its operations. THE HOUSING SCHEME shares or otherwise processes personal information with: its service providers, suppliers, employees within the scope and course of their employment, regulatory authorities or administrative bodies established by Law, industry bodies or associations

where necessary, its auditors, parties to multilateral contracts of which the data subject is a party.

## 9. TRANSBORDER TRANSFER OF PERSONAL INFORMATION

9.1 THE HOUSING SCHEME may from time to time transfer or cause to transfer personal information of a data subject across national borders during the scope and course of its operations.

9.2 THE HOUSING SCHEME shall endeavor to transfer personal information across national borders only if the recipient third party in a receiving country is subject to laws or otherwise legally binding rules or agreements affording adequate protection measures for reasonable processing of personal information of a similar nature to the conditions for lawful processing contained in POPIA.

9.3 THE HOUSING SCHEME shall, where reasonably practicable, obtain the data subject's consent prior to transferring personal information across border.

## 10. VARIATION, UPDATING AND RECORD KEEPING OF PERSONAL INFORMATION

10.1 THE HOUSING SCHEME stores personal information collected from data subjects, either in hard copy or electronic format.

10.2 Personal information may be stored up to a period of 10 years, save in instances where longer storage thereof is required by law.

10.3 Whilst THE HOUSING SCHEME takes measures to verify the personal information of data subjects, it is the shared responsibility of the data subject to bring about any change in personal information or error in respect of personal information provided to the attention of THE HOUSING SCHEME. This can be done by contacting the relevant Personal Information Officer.

## 11. PERSONAL INFORMATION SECURITY

11.1 Whereas THE HOUSING SCHEME processes personal information both in hard copy and electronic / digital formats, it is committed to have adequate security measures in place for the prevention any compromise to personal information of data subjects under its control.

11.2 Where personal information is processed in hard copy format, THE HOUSING SCHEME, in so far as reasonably practicable, stores the personal information in secured office space or building with one, more or all of the following security features, including but not limited to:

11.2.1 Locked buildings / office spaces with other security features

11.2.2 Locked filing cabinets

11.2.3 SABS Type Approved Safes

11.3 Where personal information is processed in electronic format, THE HOUSING SCHEME obtains, uses and maintains and actively seeks to improve cyber security measures that protects the integrity of data containing personal information and prevents unauthorised access thereto, including the following:

11.3.1 Employment and contracting of information technology specialists

11.3.2 Specialised software aimed at prevention of hacking, viruses, other forms of malware and cyber threats.

11.3.3 Encryption of programs and data containing personal information

11.4 Whilst THE HOUSING SCHEME takes reasonable steps to ensure the security and integrity of personal information, the systems in place are not immune to being compromised. In the event of personal information being compromised, THE HOUSING SCHEME undertakes to notify the data subject and Information Regulator in accordance with POPIA.

## 12. RIGHT OF ACCESS

12.1 The data subject has the right to access personal information held by THE HOUSING SCHEME.

12.2 The data subject may exercise his / her / its right of access by following the procedure set out in Promotion of Access to Information Manual which can be found at www.bellbuoy.co.za.

## 13. COMPLAINTS AND DISPUTE RESOLUTION

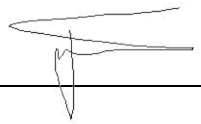
13.1 THE HOUSING SCHEME takes the interests of its stakeholders and employees seriously and respects their data privacy. Should the data subject have any concerns, issues or complaints in respect of the processing of personal information, the relevant Personal Information Officer or the Information Regulator can be contacted.

13.2 The contact details of the Personal Information Officer is as contained in the PAIA manual.

## 14. GENERAL

14.1 This privacy policy is effective immediately.

14.2 THE HOUSING SCHEME reserves the right to amend its privacy policy at any time.

Signature Information Officer: 

Date: 15/11/2021