



THE COVES

— NATURALLY PERFECT —

THE COVES GOVERNING BODY NPC, REGISTRATION NUMBER: 2003/010909/08
P.O. Box 973, Broederstroom 0240, Tel: 012-207 1465
www.thecoves.co.za

**THE COVES GOVERNING BODY NPC (The Covés)
MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

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1 INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

Designated Head of The Covés:	Martin Heyneke
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Tel. No of The Covés:	012 207 1465
E-mail address of The Covés:	info@thecoves.co.za
Person delegated to deal with requests:	Caieta Grobler
Delegated designated head E-mail address:	community@thecoves.co.za

2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at The Guide is available for inspection, *inter alia*, at the office of the South African Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg, Gauteng and at www.sahrc.org.za.

For further information please contact the SAHRC:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Email: mnyuswa@sahrc.org.za

3 APPLICABLE LEGISLATION

Below is a list of applicable legislation to which The Coves must adhere:

1. Alienation of Land Act No. 68 of 1981
2. Arbitration Act No. 42 of 1965
3. Basic Conditions of Employment Act No. 75 of 1997
4. Broad – Based Back Economic Empowerment Act No. 71 of 2003
5. Companies Act No 71 of 2008 and Applicable Regulations
6. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
7. Consumer Protection Act No. 68 of 2008
8. Community Schemes Ombud Service Act No. 9 of 2011
9. Community Schemes Ombud Service Act Regulations: Levies and Fees
10. Debt Collectors Act No. 114 of 1998
11. Electronic Communications Act No. 36 of 2005
12. Electronic Communications and Transactions Act No. 25 of 2002
13. Employment Equity Act No. 55 of 1998
14. Environmental Conservation Act No. 73 of 1989
15. Hazardous Substances Act No. 15 of 1973
16. Financial Intelligence Act No. 38 of 2001
17. Health Act No. 63 of 1977
18. Identification Act No. 68 of 1997
19. Income Tax Act No 58 of 1962
20. Insolvency Act No. 24 of 1936
21. Labour Relations Act No 66 of 1995
22. Municipal Systems Act No. 32 of 2000 and other Municipal Acts and Bylaws
23. National Building Regulations and Building Standards Act No. 103 of 1977
24. National Credit Act No. 34 of 2005
25. National Environmental Management Act No. 107 of 1998
26. National Environmental Management: Air Quality Act No. 39 of 2004
27. National Environmental Management: Biodiversity Act No. 10 of 2004
28. National Environmental Management: Waste Act No. 59 of 2008
29. National Forest Act No. 84 of 1998

30. National Veld and Forest Fire Act No. 101 of 1998
31. National Water Act No. 36 of 1998
32. Nonprofit Organisations Act No. 71 of 1997
33. Occupational Health and Safety Act No. 85 of 1993
34. Pension Funds Act No. 24 of 1956
35. Prescription Act No. 68 of 1969
36. Preferential Procurement Policy Framework Act No. 5 of 2000
37. Promotion of Access to Information Act No. 2 of 2000
38. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
39. Protection of Information Act No. 84 of 1982
40. Protection of Personal Information Act 4 of 2013
41. Regional Services Councils Act No. 109 of 1985
42. Regulation of Interception of Co0mmunications and Provisions of Communications Related Information Act No. 48 of 2008
43. Regulation of Interception of Co0mmunications and Provisions of Communications Related Information Act No. 70 of 2002
44. Road Transportation Act No. 74 of 1977
45. Sectional Title Schemes Act No. 95 of 1986 (as amended)
46. Sectional Title Schemes Management Act No. 8 of 2011 (as amended)
47. Sectional Title Schemes Management Regulations
48. Short Term Insurance Act No. 53 of 1998
49. South African Revenue Services Act 34 of 1997
50. Skills Development Act of 1998
51. Skills Development Levies Act No 9 of 1999
52. Unemployment Insurance Act No. 63 of 2001
53. Unemployment Insurance Contributions Act No 4 of 2002

4 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by The Covés to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of The Covés (www.thecoves.co.za) is automatically available without having to request access in terms of PAIA.

5 SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COVES

General information about The Coves can be accessed via the internet on www.thecoves.co.za.

The subjects on which The Coves holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

1. COMPANIES ACT RECORDS

- All trust deeds;
- Documents of Incorporation;
- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Members
- Proxy forms
- Special resolutions/Resolutions passed at General and
- Other statutory registers and/or records and/or documents;

Records relating to the appointment of:

- Auditors;
- Directors;
- Prescribed Officers

2. FINANCIAL RECORDS

- Accounting Records
- Annual Financial Reports;
- Annual Financial Statements
- Asset Registers;
- Bank Statements
- Banking details and bank accounts;
- Banking Records
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Invoices;
- Policies and procedures;
- Rental Agreements; and
- Tax Returns

3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT

- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Accident books and records;
- Address Lists;
- Disciplinary Code and Records;
- Employee benefits arrangements rules and records;
- Employment Contracts;
- Employment Equity Plan
- Forms and Applications;
- Grievance Procedures;
- Leave Records;
- Medical Aid Records;
- Payroll reports/ Wage register;
- Pension Fund Records;
- Safety, Health and Environmental records;
- Salary Records;
- SETA records
- Standard letters and notices
- Training Manuals;
- Training Records;
- Workplace and Union agreements and records.

5. PROCUREMENT

- Standard Terms and Conditions for supply of services and products;
- Contractor, client and supplier agreements;
- Lists of suppliers, products, services and distribution; and
- Policies and Procedures.

6. COMMUNITY MANAGEMENT

- Property owner information
- Resident information
- Resident correspondence
- Visitor information
- Service providers information

7. MARKETING

- Advertising and promotional material
- Website
- Digital channels

8. RISK MANAGEMENT AND AUDIT

- Audit reports;
- Risk management frameworks; and
- Risk management plans.

9. SAFETY, HEALTH AND ENVIRONMENT

- Complete Safety, Health and Environment Risk Assessment
- Environmental Management Plan
- Inquiries, inspections, examinations by environmental authorities

10. INFORMATION AND COMMUNICATION TECHNOLOGY

- Computer / mobile device usage policy documentation;
- Disaster recovery plans;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals
- Information usage policy documentation;
- Project implementation plans;
- Software licensing; and
- System documentation and manuals.

6 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

- To support recruitment and management of staff
- To support engagement with suppliers and service providers
- To support engagement with owners and residents of the estate
- To ensure reasonable security controls

7 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

- Property owners
- Residents
- Visitors of residents
- Employees
- Suppliers to the NPC / to the residents
- Service Providers: Specify to the NPC / to the residents

8 PLANNED RECIPIENTS OF PERSONAL INFORMATION

- Statutory and Law enforcement authorities, if and when legally obliged to do so.

9 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

- Flows to international members
- Flows to international service providers

10 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

Physical security measures

- Access to digital records are password controlled
- Access to physical records is restricted (lock and key)
- Access to the Companies secure premises is strictly controlled and may not be accessed by any unauthorized person following our access control procedures

Cyber security measures

- Login and Passwords – very strict policy in terms of password hygiene.
- Antivirus
- Malware

Training in information security

- All employees who have access to personal information receive training, are provided with the PAIA Manual and company policies and procedures.

Audits of information security

- Conducted regularly

11 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

The requester must complete Form C and submit this form together with a request fee, to the head of The Coves. The form must be submitted to the head of The Coves at his address, fax number, or electronic mail address as stated earlier in this manual.

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].

- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record 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 designated 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 [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body 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 the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Grounds for refusing a request

The Coves has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act. If you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

12 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the office of The Coves free of charge; from the SAHRC.

Signature of Designated Head of the Private Body

Name of Designated Head of the Private Body

(Note: each page should be initialled to complete the signing process).

Date of signature _____

Publication date of this manual: 01/06/2021

13 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

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:
 - a. (a) For every photocopy of an A4-size page or part thereof R1,10
 - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0, 75
 - c. (c) For a copy in a computer-readable form on - (i) stiffy disc R 7, 50; (ii) compact disc R 70,00
 - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 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.
 - a) For every photocopy of an A4-size page or part thereof R 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 R 0,75;
 - c) For a copy in a computer-readable form on - (i) stiffy disc R 7,50; (ii) compact disc R 70,00
 - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
 - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
 - f) To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation.
 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.

14 FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of 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 The Covers:

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 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 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 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: _____

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 be determined partly by the form in which access is requested.

Mark the appropriate choice with an **X**.

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 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 file)
- 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 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

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 _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

15 FORM E: AUTOMATICALLY AVAILABLE RECORDS

FORM E

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 52 of the Promotion of Access to Information Act, 2000

(Act 2 of 2000))

[Regulation 9A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 52(1)(b))
FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):	
.....
FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):	
.....
FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii):	
.....
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii):	
.....