



# GARLINGTON

## ESTATE

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**GARLINGTON HOMEOWNERS ASSOCIATION NPC  
REGISTRATION NO. 2006/038584/08**

**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 Garlington HOA: Malcolm Carlyle

Postal Address of Garlington HOA: Private Bag X6009, Hilton, 3245

Street Address of Garlington HOA: Seeking Drive, Hilton, 3201

Tel. No of Garlington HOA: 033 329 5001

Fax. No of Garlington HOA: N/A

E- Mail address of Garlington HOA: gm@garlington.co.za

Person delegated to deal with requests: Cheryl McPherson

E-mail address of the delegated designated head: secretary@garlington.co.za

## **2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)**

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 Information Regulator of South Africa office at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. .

For further information please contact the Information Regulator of South Africa:

Postal Address: PO Bix 31533, Braamfontein, Johannesburg, 2017

Website: <https://inforegulator.org.za/>

Complaints email: complaints.IR@justice.gov.za

General enquiries email: inforeg@justice.gov.za.

## **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION : SECTION 51(1)(d)**

Records available in terms of other legislation are as follows:

Administration of Estates Act, No. 66 of 1965

Basic Conditions of Employment Act No. 75 of 1997

Bills of Exchange Act 34 of 1964

Broad-based Black Economic Empowerment Act 53 of 2003

Companies Act No 71 of 2008 and Applicable Regulations

Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993

Community Scheme Ombud Service Act 9 of 2011

Electronic Communications and Transactions Act No 25 of 2002

Employment Equity Act. No. 55 of 1998  
Financial Intelligence Centre Act No. 38 of 2001.  
Income Tax Act No 95 of 1967  
Labour Relations Act No 66 of 1995  
Nonprofit Organisations Act No. 71 of 1997  
Occupational Health and Safety Act No. 85 of 1993  
Promotion of Access to Information Act No.2 of 2000  
Skills Development Act 97 of 1998  
Skills Development Levies Act No 9 of 1999  
Unemployment Insurance Act No. 63 of 2001  
Unemployment Insurance Contributions Act No 4 of 2002  
Value Added Tax Act No 89 of 1991

### **3 RECORDS AUTOMATICALLY AVAILABLE**

No notice has been submitted by the practice 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 business is automatically available without having to request access in terms of PAIA.

### **4 SUBJECTS AND CATEGORIES OF RECORDS HELD BY GARLINGTON HOA**

General information about Garlington Homeowners Association can be accessed via the internet on [www.garlingtonestate.com](http://www.garlingtonestate.com), which is available to all persons who have access to the internet.

Garlington Homeowners Association is a Non-Profit company that administers all aspects of the Garlington residential community and serves the best interests of its members.

The subjects on which the private body 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**

- Documents of Incorporation;
- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Shareholders;
- Proxy forms
- Special resolutions/Resolutions passed at General and Class meetings.

#### **2. FINANCIAL RECORDS**

- Accounting Records
- Annual Financial Statements
- Asset Registers;

- Bank Statements
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Policies and procedures;
- Rental Agreements;
- Investment records 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
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

### **4. PERSONNEL DOCUMENTS AND RECORDS**

- Accident books and records;
- Disciplinary Code and Records;
- Employment Contracts;
- Grievance Procedures;
- Leave Records;
- Payroll reports/ Wage register;
- Salary Records;

### **5. SAFETY, HEALTH AND ENVIRONMENT**

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans

### **6. IT DEPARTMENT**

- Computer / mobile device usage policy documentation;
- Information usage policy documentation; and
- Software licensing;

## **5 PURPOSE OF PROCESSING OF PERSONAL INFORMATION**

The purpose of processing of personal information is to confirm and verify identity for security purposes and to carry out our obligations arising from any contract entered into by the Garlington Homeowners Association.

## **6 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION**

Residents: record of personal information as maintained by the GHOA

Employees: record of employee life cycle

Suppliers: record of supplier life cycle

## **7 PLANNED RECIPIENTS OF PERSONAL INFORMATION**

*Personal information will be shared with our service providers who are involved in the delivery of products or services to residents. Where we believe it is necessary to protect our rights.*

Statutory authorities

Law enforcement

Tax authorities

## **8 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION**

Flows to online data backup service providers.

## **9 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION**

Physical security measures

Cyber security measures

Training in information security

Policies in information security

Audits of information security

## **10 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS**

### **10.1 PAIA FORM 02: 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 (7), Form 02 should be used to request access to a record held by a Public or Private body in terms of PAIA. Form 02 can be downloaded from the Information Regulator website under Documents/Forms. It can also be downloaded using the link below.

Form 02: Request for Access to Record:

<https://inforegulator.org.za/paia-forms/>

**Please note:** Do not use Form 02 for personal information requests (Data Subject Requests). The appropriate form for these requests is described in point 14.2 below.

### **10.2 POPIA FORM 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24 (1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

In terms of the Protection of Personal Information Act of 2013, Section 24 and the Regulations relating to the Protection of Personal information, 2017, [Regulation 3(2)] Form 2 should be used to raise requests for the correction or deletion of personal information, or destroying or deletion of record of personal information. Form 2 is available on the Information Regulator website under Documents/Forms. It can be downloaded using the link below:

**Form 2: Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information**

<https://inforegulator.org.za/popia-forms/>

**Grounds for refusing a request**

[Organisation Name] has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

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**Signature of Designated Head of the Private Body**

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**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: dd/mm/yyyy**

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