



CAPRICORN BEACH HOMEOWNERS ASSOCIATION

PAIA MANUAL

MAN001 – Version 2.0 (Working Draft)

Prepared in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000

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CHAPTER 1 - INTRODUCTION

Purpose

The purpose of this Manual is to facilitate the exercise of rights under PAIA by describing the records held by the Association, the procedure for requesting access to those records, and the circumstances in which access may be granted or refused.

Scope

This Manual applies to all records held by or on behalf of Capricorn Beach Homeowners Association in any format, whether paper or electronic.

Legislative Framework

This Manual is prepared in accordance with PAIA and must be read together with the Protection of Personal Information Act, 4 of 2013 (POPIA), the PAIA Regulations, 2021, and any other applicable legislation.

Relationship with the Constitution

Nothing in this Manual limits or expands any rights granted by the Constitution of the Association. Where a Member requests information in terms of the Constitution, the Association will also consider any applicable obligations arising under PAIA and POPIA.

Interpretation

Defined terms shall bear the meanings assigned in the Constitution, PAIA or POPIA unless the context indicates otherwise. References to legislation include amendments and replacement legislation.

Status of the Manual

This Manual is an official governance document adopted by the Board of Trustees and may be amended by Board resolution to reflect legislative or operational changes.

CHAPTER 2 - RECORDS HELD BY THE ASSOCIATION

The Association maintains records in the ordinary course of administering, governing, securing and managing the Estate. The inclusion of a category of records in this Manual does not imply that every record within that category is accessible. Access to any record shall be determined in accordance with PAIA, POPIA and any other applicable law.

2.1 Governance Records

The Association may maintain, amongst others, the following records:

- Constitution and amendments
- Conduct Rules
- Board resolutions
- Board and committee minutes
- AGM and SGM notices, agendas and approved minutes
- Governance policies and registers

2.2 Administrative Records

The Association may maintain, amongst others, the following records:

- Correspondence
- Member communications
- Notices and newsletters
- Complaints and enquiries
- Maintenance requests
- Service provider administration

2.3 Financial Records

The Association may maintain, amongst others, the following records:

- Approved budgets
- Audited annual financial statements
- Accounting records
- Levy records
- Invoices and receipts
- Banking and investment records
- Insurance and audit records

2.4 Security Records

The Association may maintain, amongst others, the following records:

- Incident reports
- Visitor registers
- Access control records
- Biometric enrolment records
- CCTV recordings and audit logs
- Emergency response records

2.5 Property and Maintenance Records

The Association may maintain, amongst others, the following records:

- Asset registers
- Maintenance schedules
- Inspection reports
- Infrastructure records
- Project documentation
- Health and safety records

2.6 Employment and Contractual Records

The Association may maintain, amongst others, the following records:

- Employment contracts
- Payroll and leave records
- Disciplinary records
- Service level agreements
- Professional service contracts
- Warranties and guarantees

2.7 Legal and Electronic Records

The Association may maintain, amongst others, the following records:

- Legal opinions
- Litigation records
- Regulatory correspondence
- Electronic databases
- Cloud storage
- Email archives
- System audit logs



2.8 Records Held on Behalf of the Association

Records held by the Managing Agent, auditors, attorneys, information technology providers or other authorised operators on behalf of the Association are regarded as records of the Association for purposes of PAIA where applicable.

2.9 Records Not Held

The Association is not obliged to create records that do not exist, answer questions that are not contained in an existing record, or compile information from multiple records solely to satisfy a request. The Association is also not responsible for records maintained solely by Members, Occupants, public authorities or independent third parties.

CHAPTER 3 - RECORDS AVAILABLE WITHOUT A FORMAL PAIA REQUEST

Certain records may be made available by the Association without the submission of a formal request under PAIA. The availability of these records remains subject to operational requirements, reasonable notice, copyright, confidentiality, and applicable legislation.

3.1 General Principles

Availability of a record does not create a right to unrestricted access.

Confidential and personal information remains protected.

Nothing in this Chapter limits any rights conferred by the Constitution of the Association.

3.2 Publicly Available Records

- Constitution
- Conduct Rules
- Approved governance policies intended for Members
- AGM and SGM notices
- Newsletters and circulars
- Forms approved for public use
- Information published on the Association website or member portal

3.3 Records Available to Members

- Approved annual budgets
- Approved audited annual financial statements
- Approved AGM and SGM minutes
- Trustee election results
- Governance reports approved for distribution

3.4 Records Requiring a Formal PAIA Request

- Correspondence files
- Complaints
- Personnel records
- Contracts
- Legal files
- CCTV recordings
- Access control records
- Visitor registers
- Insurance claim documentation
- Records containing personal information relating to another person

3.5 Records Ordinarily Not Available

- Passwords and authentication credentials
- Encryption keys
- Security configurations
- Biometric information
- Confidential security procedures
- Legally privileged communications
- Information that could compromise estate security

3.6 Form of Access

- Inspection
- Paper copy
- Electronic copy
- Extract
- Redacted copy
- Supervised viewing of CCTV where appropriate

3.7 No Obligation to Create Records

- Create new records
- Compile information from multiple records
- Answer questions not contained in existing records
- Conduct research for requesters
- Where access is refused or restricted, the requester may utilise the procedures provided in subsequent chapters of this Manual.

CHAPTER 4 - REQUEST PROCEDURE FOR ACCESS TO RECORDS

This Chapter sets out the procedure for requesting access to records held by the Association in accordance with the Promotion of Access to Information Act, 2 of 2000 and the PAIA Regulations, 2021.

4.1 General Principles

- Every request must be considered individually and on its own merits.
- The submission of a request does not create an automatic entitlement to access.
- The Information Officer shall process requests in accordance with PAIA, POPIA and applicable law.

4.2 Submission of Requests

- Requests must be submitted using the prescribed PAIA request form.
- Requests must contain sufficient information to identify the requester and the record requested.
- The Information Officer may request additional information where reasonably necessary.

4.3 Verification of Identity

- Proof of identity may be required before access is granted.
- Representatives must provide proof of authority to act on behalf of another person.

4.4 Acknowledgement of Requests

- The Association should acknowledge receipt within a reasonable period.
- An acknowledgement does not imply that access will be granted.

4.5 Consideration of Requests

- The Information Officer shall determine whether the record exists.
- Whether the record is held by or on behalf of the Association.
- Whether any mandatory or discretionary grounds for refusal apply.
- Whether partial access may lawfully be granted.

4.6 Partial Access

- Protected information may be redacted where reasonably practicable.
- The Association is not obliged to prepare redacted copies where doing so would impose an unreasonable administrative or financial burden.

4.7 Time Periods

- Requests shall be processed within the periods prescribed by PAIA.
- Extensions may be applied where permitted by PAIA, with written notice to the requester.

4.8 Form of Access

- Inspection of records.
- Paper or electronic copies.
- Extracts from records.
- Supervised inspection of electronic records, including CCTV where appropriate.

4.9 Third-Party Information

- Privacy rights of third parties must be considered before disclosure.
- Access may be refused, redacted or granted in part where permitted by law.

4.10 Security-Related Records

- Requests relating to CCTV, access control, biometric information and security procedures shall receive particular scrutiny.
- Access shall be refused or limited where disclosure could compromise estate security or ongoing investigations.

4.11 Withdrawal of Requests

- A requester may withdraw a request at any time before a final decision is made.
- Applicable fees already incurred may remain payable were authorised by PAIA.

4.12 Register of Requests

- The Information Officer shall maintain a register of requests received.
- The register should record the requester, date received, record requested, decision, fees and date of finalisation.

CHAPTER 5 - GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Access to records supports transparency and accountability. However, the Association has a legal duty to protect confidential information, personal information, privileged communications and the security of the Estate. This Chapter sets out the principal grounds upon which access may be refused or limited in accordance with PAIA.

5.1 General Principles

- Access may be refused only where authorised or required by PAIA or another applicable law.
- Where reasonably practicable, partial access should be considered by redacting protected information.

5.2 Personal Information of Third Parties

- Access shall ordinarily be refused where disclosure would unreasonably reveal the personal information of another identifiable person.
- Protected information includes identity numbers, contact details, financial information, employment records, biometric data, visitor records and CCTV recordings.

5.3 Commercial Information

Confidential commercial information belonging to the Association or a third party may be withheld where disclosure would prejudice legitimate commercial interests.

5.4 Legally Privileged Records

Records protected by legal professional privilege, including legal advice and litigation documents, may be refused.

5.5 Security of the Estate

- Access may be refused where disclosure could compromise estate security, emergency response capability or operational effectiveness.
- Examples include security procedures, alarm configurations, CCTV architecture, access control programming, patrol routes and cyber-security information.

5.6 Records Relating to Investigations

Access may be refused or deferred where disclosure could prejudice criminal, civil, disciplinary, insurance or regulatory investigations.

5.7 Confidential Information

Information subject to contractual confidentiality obligations or protected by law may be withheld unless disclosure is legally required.



5.8 Frivolous or Vexatious Requests

The Information Officer may deal with manifestly frivolous, repetitive or vexatious requests in accordance with PAIA.

5.9 Non-existent or Unavailable Records

The Association is not required to produce records that do not exist or cannot be located after a reasonable search.

5.10 Records Not Held

The Association cannot provide records that are not held by or on behalf of it.

5.11 Notice of Refusal

Where access is refused, the requester should receive written notice of the decision, the applicable reasons (where lawful) and available remedies.

5.12 Members' Constitutional Rights

Nothing in this Manual limits any rights of Members under the Constitution of the Association. Where rights under the Constitution overlap with PAIA, the Association shall also consider POPIA and any other applicable legislation before granting access.

CHAPTER 6 - FEES, REMEDIES AND ADMINISTRATION

This Chapter addresses the fees applicable to requests for access to records, the remedies available to requesters who are dissatisfied with a decision, and the ongoing administration and review of this Manual.

6.1 Request and Access Fees

- Fees shall be charged only where authorised by PAIA and the applicable Regulations.
- The Association shall apply the prescribed fee schedule in force at the time of the request.
- A requester shall be informed in writing of any fees payable before access is granted where required by law.

6.2 Deposits

- Where permitted by PAIA, the Information Officer may require payment of a deposit before processing a request.
- Any deposit shall be calculated in accordance with the applicable Regulations.

6.3 Form of Payment

- Approved payment methods shall be communicated to the requester.
- Proof of payment may be required before further processing of the request.

6.4 Complaints and Remedies

- A requester who is dissatisfied with a decision may lodge a complaint with the Information Regulator where applicable.
- A requester may exercise any rights of review or application to court available under PAIA.

6.5 Administration of the Manual

- The Information Officer is responsible for maintaining this Manual.
- The Manual shall be reviewed at least every two years, or sooner where legislative or operational changes require amendment.

6.6 Availability of the Manual

- The current approved version shall be made available at the Association's offices where reasonably practicable.
- The Manual may also be published on the Association's website or member portal and made available on request.



6.7 Record of Amendments

- All amendments shall be approved by the Board of Trustees.
- A version history shall be maintained identifying each revision and its effective date.

6.8 Commencement

This Manual becomes effective on the date approved by the Board of Trustees and supersedes all previous versions.

ANNEXURES

The following annexures form part of this manual and support the administration of requests under the Promotion of Access to Information Act, 2 of 2000.

Annexure A

Prescribed PAIA Request Form (Information Regulator Form 2). Use the current form prescribed by the Information Regulator.

Annexure B

Notice of Decision / Outcome of Request (Information Regulator Form 3, where applicable).

Annexure C

PAIA Fee Schedule. The Association shall apply the fees prescribed in the prevailing PAIA Regulations. No separate fee schedule shall override the statutory tariffs.

IMPLEMENTATION NOTE

The statutory PAIA forms and prescribed fee schedule are produced as part of this manual, but may be amended by the Regulator at any time. The user shall be responsible for ensuring they are using the updated form, where changes have been applied.



HOMEOWNERS ASSOCIATION

POPIA CONSENT & CONFIDENTIALITY UNDERTAKING FORM

Access to HOA Records and Information

1. PURPOSE OF THIS FORM

In terms of the Protection of Personal Information Act (POPIA), Capricorn Beach Home Owners Association (CBHOA) is required to protect all personal information in its possession.

This form must be completed and signed by any homeowner, tenant, or third-party requesting access to HOA documents, records, or files which may contain personal or sensitive information.

2. APPLICANT DETAILS

Full Name: _____

ID / Passport Number: _____

Erf / Unit Number: _____

Contact Number: _____

Email Address: _____

3. DESCRIPTION OF RECORDS REQUESTED

Please clearly specify the documents or records you wish to access:

Purpose for requesting access:

4. CONSENT & UNDERTAKING

I hereby:

4.1 Confirm that I am requesting access to the above information for a **lawful and legitimate purpose**.

4.2 Undertake to process all information strictly in accordance with the Protection of Personal Information Act (POPIA).

4.3 Agree that I will:

- Not disclose, distribute, or share any personal information with any third party
- Not copy, reproduce, or publish any information without written consent from the HOA
- Use the information solely for the stated purpose
- Maintain strict confidentiality at all times

4.4 Understand that access may be **limited, redacted, or refused** where required by law.

4.5 Acknowledge that the HOA reserves the right to supervise access to documents.

4.6 All access to HOA records shall take place at the HOA office or designated platform and may be supervised. No original documents may leave the premises.

5. RESTRICTIONS ON USE OF INFORMATION

I specifically agree that I will NOT:

- Share information on social media or public platforms
 - Use information for harassment, disputes, or unlawful purposes
 - Retain copies of documents unless expressly authorised
-

6. INDEMNITY

I indemnify and hold harmless the HOA, its trustees, managing agents, and employees against any claims, damages, or liabilities arising from:

- My misuse of the information
 - Any breach of confidentiality
 - Any contravention of applicable laws, including POPIA
-

7. CONSEQUENCES OF NON-COMPLIANCE

I understand that any breach of this undertaking may result in:

- Legal action being taken against me
 - Possible civil and/or criminal liability in terms of applicable legislation
-

8. HOA APPROVAL

Access to records is subject to approval by the HOA or its authorised representative.

Approved by: _____

Designation: _____

Signature: _____

Date: _____

9. DECLARATION

I confirm that:

- The information provided in this form is true and correct
- I have read and understood this document
- I agree to be bound by its terms

Applicant Signature: _____

Date: _____

PAIA FORM 3 – OUTCOME OF REQUEST AND FEES PAYABLE

Reference Number: _____

Date: _____

TO:

Requester Name: _____

Postal Address: _____

Email Address: _____

Telephone Number: _____

OUTCOME OF REQUEST FOR ACCESS TO RECORDS

Your request for access to records submitted in terms of the Promotion of Access to Information Act, 2 of 2000 (PAIA), has been considered.

Please indicate the applicable outcome:

- ☐ **Request Granted in Full**
- ☐ **Request Granted in Part**
- ☐ **Request Refused**
- ☐ **Request Transferred** (where applicable)

RECORDS REQUESTED

Description of records requested:

REASONS FOR DECISION

If Access is Granted

The requested records are available and access will be provided subject to payment of the prescribed fees (if applicable).

Additional comments:

If Access is Refused or Partially Refused

Ground(s) for refusal under PAIA:

- ☐ Protection of personal information of a third party
- ☐ Commercial information of a third party
- ☐ Confidential information protected by agreement
- ☐ Safety of individuals or protection of property
- ☐ Records privileged from production in legal proceedings
- ☐ Manifestly frivolous or vexatious request
- ☐ Record does not exist or cannot be found after reasonable search
- ☐ Other (specify)

Detailed reasons:

FEES PAYABLE

The following fees are payable before access will be provided:

Description	Amount (R)
Request Fee (if applicable)	_____
Search and Preparation Fee	_____
Reproduction Fee	_____
Postal/Courier Charges	_____
VAT (if applicable)	_____
TOTAL PAYABLE	_____

PAYMENT DETAILS

Account Name: Capricorn Beach Home Owners Association

Bank: _____

Account Number: _____

Branch Code: _____

Reference: PAIA Request Ref No. _____

Proof of payment must be submitted to:

Email: _____

ACCESS ARRANGEMENTS

Upon receipt of the applicable fees, access will be provided in the following manner:

- ☐ Inspection of records
- ☐ Copies of records
- ☐ Electronic copies (PDF)
- ☐ Email transmission
- ☐ Other: _____

Expected date of access:

RIGHT TO INTERNAL OR EXTERNAL REMEDIES

If you are dissatisfied with the outcome of this request, you may lodge a complaint with the Information Regulator of South Africa.

Information Regulator (South Africa)

Physical Address:

JD House, 27 Stiemens Street,
Braamfontein, Johannesburg, 2001

Postal Address:

P.O. Box 31533,
Braamfontein, Johannesburg, 2017

Email: PAIAComplaints@inforegulator.org.za

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

AUTHORISED BY

Name of Information Officer / Deputy Information Officer:

Designation:

Signature:

Date:

PAIA FEE SCHEDULE

1. PURPOSE

This schedule sets out the fees payable in terms of the Promotion of Access to Information Act, 2 of 2000 ("PAIA"), in respect of requests for access to records held by Capricorn Beach Home Owners Association ("CBHOA").

2. REQUEST FEE

A request fee is payable by any requester other than a Personal Requester.

A Personal Requester is a person seeking access to a record containing personal information about themselves.

Description	Fee
Request Fee (non-refundable)	R50.00

3. ACCESS FEES

Where a request is granted, the following access fees may be charged:

Description	Fee
Photocopy of an A4 page or part thereof	R1.10 per page
Printed copy of an A4 page or part thereof from electronic records	R0.75 per page
Copy of information on Compact Disc (CD)	R70.00
Transcription of visual images (per A4 page)	R20.00
Copy of visual images	R60.00
Transcription of audio record (per A4 page)	R20.00
Copy of audio record	R30.00
Search and preparation of records	R30.00 per hour

4. DEPOSIT PAYABLE

Where the search for and preparation of records is expected to exceed six (6) hours:

- The requester may be required to pay a deposit.
 - The deposit may not exceed one-third (1/3) of the estimated access fee.
 - Processing of the request may be suspended until the deposit is paid.
-

5. POSTAGE, COURIER AND DELIVERY COSTS

Where records are required to be delivered to the requester:

Description	Fee
Registered Post	Actual Cost
Courier Service	Actual Cost
Electronic Delivery by Email	No Charge (where practicable)
Flash Drive or Other Storage Device	Actual Cost

6. EXEMPTION FROM ACCESS FEES

No access fee is payable by:

- A single person whose annual income does not exceed R14,712.00; or
- A married person or person living with a life partner whose combined annual income does not exceed R27,192.00.

Documentary proof of income may be requested by the Information Officer.

7. PAYMENT OF FEES

Fees must be paid before access to records will be granted.

Payment may be made by:

☐ EFT

☐ Direct Deposit

☐ Other Approved Method

Banking details will be provided by the Information Officer upon notification of the fees payable.

8. REFUND OF DEPOSITS

Where a request is refused after a deposit has been paid, the deposit shall be refunded to the requester to the extent required by PAIA.

9. REVIEW OF FEES

This fee schedule shall be reviewed whenever amendments to PAIA regulations are published by the Minister responsible for the administration of the Act.

The latest prescribed fees shall always take precedence over any fee stated in this schedule.

Approved By: Board of Trustees

Policy Owner: Information Officer

Effective Date: _____

Review Date: _____