

THE WILDS HOME OWNERS' ASSOCIATION NPC

(Registration Number: 2003/008761/08)



PAIA MANUAL

Published in terms of section 51 of the
Promotion of Access to Information Act 2 of 2000.

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1 INTRODUCTION

The Wilds Home Owners' Association NPC (Registration Number: 2003/008761/08) is a non-profit company registered in terms of the company laws of the Republic of South Africa ("The Wilds").

This Manual is published in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (the "PAIA Act") [the "Manual"] and provides an outline of the type of records and personal information which The Wilds holds. The Manual also explains how to submit requests for access to these records in terms of the PAIA Act. In addition to explaining how to access, or object to, personal information held by The Wilds, or request correction of the personal information, in terms of sections' 23 and 24 of the Protection of Personal Information Act 4 of 2013 (the "POPI Act"), the Manual also explains how to submit requests for access to these records in terms of the PAIA Act.

The objective of the PAIA Act is to give effect to the constitutional right to access to information, which information is held by a public or private body and which information is required for the exercise or protection of any rights. The PAIA Act recognises the right entrenched in section 32 of the Constitution of the Republic of South Africa, 1996 and aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.

Accordingly, requests for access to information held by The Wilds shall be made in accordance with the prescribed procedures and at the rates provided. The prescribed forms and fee tariffs are dealt with in Chapter 3 of Part 3 of the PAIA Act, as well as in section 5 below.

1.1 Availability of this PAIA Manual

This PAIA Manual is published on The Wilds website at <https://www.the-wilds.co.za/> or alternatively, a copy can be requested from the Information Officer or Deputy Information Officer (see contact details in paragraph 2 below).

The PAIA Manual may also be inspected at:

The Information Officer – Portfolio Manager

MidCity Property Services (Pty) Ltd

1st Floor, 501 Jorissen Street

Sunnyside East

Pretoria

1.2 Availability of guides to the PAIA and POPI Acts

Guides to the PAIA and POPI Acts can be obtained, and queries directed to:

PAIA Act	POPI Act
<p>Requesters are referred to the Guide in terms of Section 10 which has been amended and updated by the Regulator on how to use PAIA in an easily comprehensible form and manner.</p>	<p>The office of the Information Regulator:</p> <p><u>Physical Address:</u></p> <p>The Information Regulator (South Africa) Forum III 3rd Floor Braampark PO Box 31533 Braamfontein, Johannesburg, 2107 Mr. Marks Thibela Chief Executive Officer</p>
<p>The Guide can also be obtained:</p> <ul style="list-style-type: none">• Upon request to the Information Officer by completing FORM 1 – REQUEST FOR A COPY OF THE GUIDE from the website of the Regulator. <p>A copy of the Guide is also available in the following official languages for public inspection during normal office hours. (English/isiZulu/Sesotho).</p>	<p>Tel No: +27 010 023 5207 Cell No: 082 746 4173 E-mail: infoereg@justice.gov.za</p>

2 THE WILDS CONTACT DETAILS

Contact details in terms of section 51 of PAIA:

The Wilds Home Owners Association NPC (Reg. No: 2003/008761/08)
P.O. Box 28951, Sunnyside, 0132.

Physical Address:

c/o de Villaboys Marieul & Atterbury Drive

Pretorius Park
Pretoria

Website: <https://www.the-wilds.co.za/>

Duly authorised persons:

Information Officer:	Deputy Information Officer:
<u>Portfolio Manager – MidCity Property Services (Pty) Ltd</u> Name: Tel: 012 452 6700 Fax: 012 346 7420 E-mail: titles@midcity.co.za	Name: Bennie Van Dyk Tel:012-426-3400 Fax: N/a E-mail: bennie.vandyk@midcity.co.za

Applicable Legislation:

The following legislation, amongst others which may become applicable from time to time, is applicable to and observed by The Wilds pursuant to undertaking its day-to-day operations:

Item No:	Legislative Reference:	Act:
1	No. 71 of 2008	The Companies Act
2	No. 75 of 1997	The Basic Conditions of Employment Act
3	No. 55 of 1998	The Employment Equity Act
4	No. 58 of 1962	The Income Tax Act
5	No. 66 of 1995	The Labour Relations Act
6	No. 89 of 1991	The Value Added Tax Act
7	No. 85 of 1993	The Occupational Health and Safety Act
8	No. 25 of 2002	The Electronic Communications and Transactions Act
9	No. 2 of 2000	The Promotion of Access to Information Act
10	No. 4 of 2013	The Protection of Personal Information Act
11	No. 63 of 2001	The Unemployment Insurance Act
12	No. 53 of 2003	The Broad-Based Black Economic Empowerment Act
13	No. 97 of 1997	The Skills Development Act

3 COMPANY RECORDS

3.1 Availability of The Wilds Records

Departmental Records	Subject	Classification No.
Project Management Administration Division		
Health & Safety Division	Environmental Policy	
	Environmental Records	
	Health and Safety Records (Employees, Contractors)	
Human Resources Division	Employee Records	
	Employment Contracts	
	Personnel Guidelines, Policies and Procedures	
	Employee Medical Records	
	Employee Disability Insurance Records	
	Employee Pension and Provident Fund Records	
	Payroll Records	
	Recruitment Records	
Financial /Procurement Division	Audited Financial Statements	
	Tax Records (The Wilds & Employees)	
	Industry Development Programme Records	
	Asset Register	
	Supplier Records	
	Management Accounts	
Legal Division	The Wilds Insurance Records	
	General Contract Documentation	
	Company Guidelines, Policies and Procedures	
	Intellectual Property Records	
	Employee, Member and Supplier Information	
	Immovable Property Records	
	Statutory Records	

Sales and Marketing Division	Product / Service Brochures	
	User Guides	
	Customer Claims History Records	
	Product Sales Records	
	Marketing and Future Product / Plan Strategies	
	Customer Information and Database	
	Third Party Agreements and Documents	
Information Technology Division	Processing, Administrative and Development Records	
Facilities Management Division	Physical Security Records (Visitors, Suppliers, Contractors, Employees)	
	Electronic Access & Identity Management Records (Employees, Contractors)	
	Time and Attendance Records	

3.2 The Wilds record classification key

Classification No.	Access	Classification [PAIA section]
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information [s61]
5	May not be Disclosed	
6	May not be Disclosed	Unreasonable disclosure of personal information or of natural person [s63]
7	May not be Disclosed	Likely to harm the commercial or financial interests of a third party [s64(1)(a) and (b)]
8	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(1)(c)]
	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]

9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be Disclosed	Legally privileged document [s67]
11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be Disclosed	Commercial information of Private Body [s68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be Refused	Disclosure in public interest [s70]

4 PROCESSING OF PERSONAL INFORMATION

Pursuant to promoting responsible information processing practices within its organisation, as well as in its capacity as responsible party contemplated in terms of the provisions of the POPI Act, The Wilds takes any activities relating to the protection and processing of personal information (as defined in terms of the provisions of section 1 of the POPI Act) very seriously. To promote the constitutional right to privacy, as well as to play its part in promoting the rights protected in terms of the POPI Act, The Wilds undertakes to, in so far as is required of it, observe the requirements and conditions for the lawful processing of personal information.

4.1 The purposes for which The Wilds processes personal information

Pursuant to undertaking its day-to-day operations, The Wilds may process personal information for a number of purposes, which may include, amongst others, following purposes:

- to provide or manage any information, products and/or services requested by data subjects in general and our member(s) and resident(s);
- to help us identify data subjects when they contact us or we contact them;
- to facilitate the delivery of products and/or services to our member(s) and resident(s);
- to maintain member(s) and resident(s) records;
- to maintain supplier records;
- for recruitment purposes;
- for employment purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;

- to retain the records of our consultants and/or contractors;
- to monitor access, secure and manage any of our office premises and facilities we manage, regardless of location in South Africa;
- to transact with our suppliers and business partners or group companies;
- to help us improve the quality of our products and services;
- to analyse the personal information collected for research and statistical purposes;
- to help us recover debts;
- to transfer personal information to third parties, including, but not limited to our suppliers, contractors, member(s) and/or resident(s);
- to carry out analysis and member(s) and/or resident(s) profiling; and
- to identify other products and services which might be of interest to our member(s), resident(s) and data subjects in general, as well as to inform them of our products and services.

4.2 Categories of data subjects and personal information processed by The Wilds

The categories of data subjects and personal information processed by The Wilds may include, amongst others, the following:

Member and Resident	Member and Resident personal and special personal information
	Member and Resident insurance information
	Member and Resident financial information
Suppliers	Supplier personal information
	Personal information of supplier representatives
Employees	Employee personal information
	Employee special personal information

4.3 Recipients or categories of recipients with whom personal information is shared

Subject to any relevant terms and conditions of use which may be applicable when a data subject engages with The Wilds, we may share the personal information of any data subject we process for any of the purposes identified in our Privacy Policy (which purposes are also articulated in section 4.1 above), with the following third parties, whether such third parties qualify as “responsible parties” in terms of section 1 of the POPI Act or not:

- any relevant service providers and insurers;

- any relevant regulatory authorities who may govern The Wilds in undertaking its operations;
- any approved service provider, contractor or supplier with whom The Wilds has an agreement;
- any approved business partners who provide products and services to The Wilds; and
- any approved service providers or authorised agents who perform services on The Wilds behalf.

The Wilds processes personal information in order to facilitate and enhance the delivery of products and services to its members and residents, foster a legally compliant workplace environment, as well as safeguard the personal information relating to any data subjects which it in fact holds. We undertake to process any personal information in a manner which promotes the constitutional right to privacy, retains accountability and data subject participation.

4.4 Information security measures

We have, and continue to, implement reasonable, technical and organisational measures for the protection of personal information processed by The Wilds. We at all times take reasonable and appropriate security measures to secure the integrity and confidentiality of personal information in our possession in order to guard against:

- the loss of, damage to or unauthorised destruction of personal information;
- the unlawful access or processing of personal information; or
- the wilful manipulation of personal information.

We will take steps to ensure that any third-party process operators (as defined in terms of section 1 of the POPI Act) who process personal information on behalf of The Wilds apply adequate security safeguards as required to be complied with by The Wilds.

4.5 Trans-border flows of personal information

The Wilds will only transfer personal information across South African borders if required to do so in pursuit of its legitimate business purposes, and will do so only in accordance with South African legislative requirements or if the relevant data subject consents to the transfer of their personal information to third parties in any foreign jurisdictions.

We will take reasonable steps to ensure that any third-party process operators with whom we engage are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold the principles

for reasonable and lawful processing of personal information as contemplated in terms of the POPI Act.

4.6 Personal information received from third parties

When The Wilds receives personal information from any third party on behalf of a data subject, we will take all reasonable steps to require confirmation that such a third party has procured the required consent, as contemplated in terms of the POPI Act, from the data subject to whom such personal information relates and that they are aware of the contents of this PAIA Manual and The Wilds Privacy Policy.

5 PRESCRIBED REQUEST FORMS AND FEES

5.1 How to gain access to records not automatically disclosed

Information which is automatically available, without having to complete the prescribed Form A and paying the requester's fee, will be made available at the offices of The Wilds (the particulars of which appear in section 2 above) or in the manner requested, should this be reasonable and possible. The manner of access will include:

- Perusal with copying of material if needed and at the prescribed fee for copies;
- Access to visual, audio visual material with a transcription, dubbing, copying or both, if required.

To facilitate the processing of any request by a requester, kindly follow the procedure set forth herein below:

- 1) Use the prescribed Form A attached hereto as **Annexure A**, alternatively found on The Wilds website – <https://www.the-wilds.co.za/>
- 2) Address your request to the Information Officer.
- 3) Provide sufficient detail to enable The Wilds or any authorised person dealing with a request to identify:
 - a) The record(s) requested;
 - b) The requestor (and, if an agent is lodging the request or behalf of someone, proof of capacity and authorisation);
 - c) The South African postal address, email address or fax number of the requestor;

- d) The form of access required;
- e) If the requester wishes to be informed of the decision in any manner (in addition to being informed in writing) the manner and particulars thereof;
- f) The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required in order to exercise or protect the right.

5.2 Prescribed fees

The following applies to requests (other than personal requests):

- 1) A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- 2) If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 3) A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 4) Records may be withheld until the fees have been paid.

The detailed Fee Structure as prescribed in terms of section 54 of the PAIA Act is attached hereto as **Annexure B** and is also available on The Wilds website – <https://www.the-wilds.co.za/>.

5.3 Access to prescribed forms and fees

Prescribed forms and fees are published on The Wilds website or, alternatively, copies can be requested from the Information Officer or Deputy Information Officer (see contact details in section 2). Prescribed forms and fees can be found on The Wilds website as follows:

Annexure A – Form A: Form of Request *[insert link to website]*

Annexure B – Prescribed Fee Tariff *[insert link to website]*

6 REMEDIES

The Wilds does not have an internal appeal procedure regarding the PAIA and POPI Act requests for access to information. As such, the decision made by the Information Officer is final.

If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator for relief.

In terms of section 77A of the PAIA Act, if a request is denied by the head of a private body, the requestor is entitled to lodge a complaint with the Information Regulator within 180 days of the decision, in the prescribed manner and form for appropriate relief.

A requester is further entitled in terms of section 78(2)(b) to apply to a court with appropriate jurisdiction within 180 days for appropriate relief.

ANNEXURE A

**FORM 2
REQUEST FOR ACCESS TO RECORD
[Regulation 7]**

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

Information Officer:	Deputy Information Officer:
Address:	Address:
Email:	Email:
Telephone Number:	Telephone Number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made (<i>when made on behalf of another person</i>)	
Postal Address	
Street Address	
E-mail Address	
Contact Numbers	Tel:
	Facsimile:
	Cellular:
Full names of person on whose behalf request is made (<i>if applicable</i>)	
Identity Number	
Postal Address	
Street Address	

E-mail Address		
Contact Numbers	Tel:	
	Facsimile:	
	Cellular:	
PARTICULARS OF RECORD REQUESTED		
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>		
Description of record or relevant part of the record		
Reference number, if available		
Any further particulars of record		
TYPE OF RECORD		
<i>(Mark the applicable box with an "X")</i>		
Record is in written or printed form		
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>		
Record consists of recorded words or information which can be reproduced in sound		
Record is held on a computer or in an electronic, or machine-readable form		
FORM OF ACCESS		
<i>(Mark the applicable box with an "X")</i>		
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>		
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>		
Transcription of soundtrack <i>(written or printed document)</i>		
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>		
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>		
Copy of record saved on cloud storage server		

MANNER OF ACCESS	
<i>(Mark the applicable box with an "X")</i>	

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
-------------	--

- | |
|---|
| <ul style="list-style-type: none"> a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>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.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i> |
|---|

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal Address	Facsimile	Electronic Communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20____.

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number</i>	
<i>Request received by: (State rank, Name and Surname of Information Officer)</i>	
<i>Date received</i>	
<i>Access fees</i>	
<i>Deposit (if any)</i>	

Signature of Information Officer

ANNEXURE B

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

Note:

1. If your request is granted the—
(a) amount of the deposit, (if any), is payable before your request is processed; and
(b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference Number: _____

TO: _____

Your request dated _____ refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	

Copy of record saved on cloud storage server	
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3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
i) Flash drive <ul style="list-style-type: none"> To be provided by requestor 	R40.00		
ii) Compact disc <ul style="list-style-type: none"> If provided by requestor If provided to the requestor 	R40.00 R60.00		

For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record: iii) Flash drive • To be provided by requestor iv) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00		
Postage, e-mail or any other electronic transfer:	Actual Costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search		Amount of deposit <i>(calculated on one third of total amount per request)</i>	
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The amount must be paid into the Bank account of which details may be requested from The Wilds.

Signed at _____ this _____ day of _____ 20____.

Signature of Information Officer