

POPI ACT POLICY AND PAIA MANUAL

OF ELDOPARK HOMEOWNERS ASSOCIATION (NPC)

FIRST EDITION-
JUNE 2021



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COMPLIANCE FRAMEWORK AND POLICY IN TERMS OF THE PROTECTION OF PERSONAL
INFORMATION ACT 4 OF 2013 OF:
ELDOPARK HOME OWNERS ASSOCIATION (NPC)

REGISTRATION NUMBER: 95/009268/08

("THE HOA") / ("the COMMUNITY SCHEME") / ("the COMPANY")

A. INTRODUCTION:

1. The Eldopark Home Owners association (NPC) ("the HOA") is a non-profit company incorporated for the purpose of control, administration and management of the Eldopark community scheme consisting of full title erven, as well as common areas of the larger Community Scheme (Eldopark Estate), comprising/situated at:

No 1 Melle's Drive
Cnr Willem Botha Street & Melle's Drive,
Eldoraigne Ext 23
Centurion

2. Some of the functions of the HOA include: to provide security, regulate ingress and egress to the scheme and to maintain the common areas which consist of gardens, roads and buildings for the benefit of the members of the HOA.

3. Definitions

In this document the following definitions as it reflects in Section 1 of the Protection of Personal Information Act 4 of 2013 ("POPIA") will be used in this document:

- 3.1 **'Biometrics'** means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;
- 3.2 **'Data subject'** means the person to whom personal information relates;
- 3.3 **'Electronic communication'** means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient;
- 3.4 **'Information officer'** of, or in relation to, a-
 - a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17 or;
 - b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;
- 3.5 **'Operator'** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;
- 3.6 **'Person'** means a natural person or a juristic person;

3.7 **'Personal information'** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to;

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and;
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

3.8 **'Private body'** means:

- a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- b) a partnership which carries or has carried on any trade, business or profession; or
- c) any former or existing juristic person, but excludes a public body;

3.9 **'Processing'** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

3.10 **'Record'** means any recorded information.

- a) regardless of form or medium, including any of the following:
 - (i) writing on any material;
 - (ii) information produced, recorded or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
 - (iv) book, map, plan, graph or drawing;
 - (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- b) in the possession or under the control of a responsible party;
- c) whether or not it was created by a responsible party; and
- d) regardless of when it came into existence.

3.11 **'Responsible party'** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

3.12 **'Special personal information'** means the personal information listed in section 26 of the POPIA and includes:

- (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- (b) the criminal behaviour of a data subject to the extent that such information relates to-
 - (i) the alleged commission by a data subject of any offence; or
 - (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

3.13 **'Unique identifier'** means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

4. For ease of reference, certain specific definitions, other than the definitions found in the POPIA, alternatively, definitions adapted from the POPIA's definitions, are listed below as they apply to the HOA and its Members, namely:

4.1 **'Biometric Information'** for purposes of the HOA, and where specifically used in the context of the HOA, means a technique of personal identification that is based on digitally capturing fingerprints and or facial features;

4.2 **'Community Scheme'** means a residential estate consisting of full title stands owned by Members of the HOA and sectional title schemes (under management by its own bodies

corporate), as well as the common areas of Eldopark Estate, situated at No 1 Melles Drive, Cnr Willem Botha Street & Melles Drive, Eldoraigine Ext 23, Centurion;

- 4.3 **'External Data Subject'** means a data subject which is not an Internal Data Subject, which includes visitors and employees and representatives of temporary contractors and service providers, who gain access to the Eldopark Estate by making use of a temporary PIN code, QR code or biometric scan provided by an Internal Data Subject for access verification on the Visitor Management System;
- 4.4 **'Visitor Management System'** means the visitor management system, operated via handheld electronic device or stationary scanners, which is utilised by the HOA, to manage and regulate the access of External and Internal Data Subjects into the Community Scheme at the Gatehouse;
- 4.5 **'HOA'** means the Eldopark Home Owners' Association (NPC) (Registration Number: 95/009268/08), a non-profit company incorporated in terms of the Companies Act 71 of 2008;
- 4.6 **'Internal Data Subject'** means a data subject in relation to the HOA which falls into one of the following categories, namely:
 - 4.6.1.1 A Member of the HOA – not resident at Eldopark;
 - 4.6.1.2 A resident at Eldopark (including a Member of the HOA or a tenant of a Member of the HOA) or otherwise authorised occupants of the resident's occupied property within Eldopark;
 - 4.6.1.3 An employee of a resident at Eldopark;
- 4.6.2 **'Members'** means owners of stands within the Community Scheme, which by virtue of such ownership are obliged to be a Member of the HOA;
- 4.6.3 **'Personal Information'** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
 - 4.6.3.1 any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 4.6.3.2 the biometric information of the person;
 - 4.6.3.3 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 4.6.3.4 the views or opinions of another individual about the person; and
 - 4.6.3.5 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

5. **Duty to comply with the POPIA.**

- 5.1 The HOA as a non-profit company must keep certain records in terms of the Companies Act 71 of 2008 ("the Companies Act") and may process other information during its day-to-day administration and management, which includes personal information and, as such, the HOA is a responsible party as defined in the POPIA.
- 5.2 The HOA is committed to comply with the provisions of the POPIA in as far as it relates or pertains to its operations.

Details of the information officer:

Full names:	Jalané
Surname:	Van Wyk
Identity number:	690807 0033 087
Contact details:	
Physical office address:	29 Marna Street Eldopark Eldoraigine X28 Centurion
E-mail address:	eldopark@eldopark-estate.co.za
Telephone number:	082 492 5684
Designation:	ESTATE MANAGER

The information officer is the person described in the PAIA as the head of the company and who must be appointed in terms of the POPIA.

His/Her duties and responsibilities include:

- a) Ensuring compliance with the POPIA;
- b) Dealing with requests made to the community scheme in terms of the POPIA;
- c) Assisting the Regulator in investigations where the Act requires same;
- d) As may further be prescribed in section 55 of the POPIA and the regulations promulgated thereunder.

In a community scheme setup as in the case with the HOA, the head/information officer will be the Estate Manager of the HOA.

Duties of information officers of a community scheme shall specifically include the following:

- i) To make sure that the community scheme's POPIA policy is updated and readily available for inspection;
- ii) to ensure that authorisation is obtained from the Regulator on by the community scheme where the Act requires (applicable to processing of unique identifiers for purposes other than the purpose for which it was collected – for instance processing of biometrics used for access control to assist in a criminal investigation).

The information officer of the Company is registered with the Information Regulator.

5.3 **Details of the deputy information officers:**

The deputy information officer of the HOA is the following person:

Full names:	Adrie
Surname:	Oberholzer
Identity number:	801118 0018 086
Contact details:	
Physical office address:	3574 Temple Tree Street Amberfield Manor Centurion
E-mail address:	admin@eldopark-estate.co.za
Telephone number:	072 863 1499
Designation:	Administrator

The deputy information officers can be any number of employees of the HOA other than the information officer.

B. THE OUTCOME OF THE PERSONAL INFORMATION IMPACT ASSESSMENT OF THE COMMUNITY SCHEME:

1. In terms of regulation 4 of the regulations promulgated under the POPIA, the information officer must cause a personal information impact assessment to be executed on behalf of the company, the purpose of which is to ensure that adequate measures and standards are in place in order to comply with the conditions of the lawful processing of personal information as provided for in the POPIA.
2. As a function of the HOA, the following information may be processed in the normal course of the management and administration of the HOA and the Community Scheme:
 - 2.1 Details of Internal Data Subjects, which details include names, surnames, identity numbers, contact details, biometric information, and property information of such persons;
 - 2.2 Details of External Data Subjects, which includes names, surnames, identity numbers, contact details, driver's license and vehicle details in relation to such External Data Subject.
3. In exercising its powers and functions, the HOA furthermore contracts with third parties such a private security services provider who may receive access to and process personal information of the aforesaid persons or categories of persons. In this regard, the HOA shall enter into an agreement with or request a warranty from such contactors in substantially the same form as annexure "A" to this framework in order to safeguard the community scheme, its residents, members and visitor's personal information.
4. **Specific operators applicable to the HOA who may gain access to personal information are listed below:**

Curalor (PTY) Ltd t/a 365 Security
REGISTRATION NUMBER: 2010 010684 07
AUTHORISED REPRESENTATIVE: Jill Imrie
Operational Book, Access register - Names, surnames, identity numbers, contact details, property information of such owners

Deltrolux Pty Ltd
REGISTRATION NUMBER: 2011/107032/07
AUTHORISED REPRESENTATIVE: Dwayne-Lodi Kloppers
Biometrics, Access control - Names, surnames, identity numbers, contact details, property information of such owners

Sessions Telecoms (PTY) Ltd
REGISTRATION NUMBER: 2007/022308/07
AUTHORISED REPRESENTATIVE: David Grobler
Telecoms, speed dialling no, IT, email address: Names, surnames, contact details, of such owners

Webpage hosting:
AUTHORISED REPRESENTATIVE: Johann Dian Marx (Personal Capacity)
REGISTRATION NUMBER: ID nr: 930822 5009 081

CBD Payroll and Accounting Services (Pty) Ltd
REGISTRATION NUMBER: 2015/437778/07
AUTHORISED REPRESENTATIVE: Chantal Bester
Monthly Levy statement processing - Pastel- Names, surnames, identity numbers, contact details, property information, invoices, statements, banking records of such owners

F&S ACCOUNTING AND AUDITING (PTY) Ltd.
REGISTRATION NUMBER: 2020/449620/07
AUTHORISED REPRESENTATIVE: FREDERIK NEL
Payroll, PAYE, UIF, Personnel Information - Names, surnames, identity numbers, contact details

CJ van ZYL AUDITORS
REGISTRATION / PRACTICE NUMBER: 964204
AUTHORISED REPRESENTATIVE: Yolande Jacobs
Annual Financial statements Accounting records, Banking records, Legal compliance records, Personnel & Directors Information - Names, surnames, identity numbers, contact details

TRANSACTION CAPITAL PAYMENT SOLUTIONS (PTY) Ltd
REGISTRATION NUMBER: 1977/000748/07
AUTHORISED REPRESENTATIVE: Leana Wilson-Hanscomb
Names, surnames, identity numbers, contact details, banking details

The HOA is aware and in possession of the operator's POPIA compliance status

The proposed Eldopark's POPI Act Policy was communicated to the operators when their policy document was requested 15 July 2021

- 4.1 The information held by each of the aforesaid Operators, or which the Operators has access to, includes Personal Information of Internal and External Data Subjects;
- 4.2 The HOA shall obtain confirmation of the Operators' POPIA compliance and shall ensure that it has access to the Operators' POPI policy and, where necessary, enter into an agreement with this Operator to ensure that Personal Information remains protected;
- 4.3 For any period that the HOA is not in possession of confirmation of the Operators' POPIA compliance or the Operators' POPI policy, the HOA shall obtain a compliance guarantee and indemnity from the relevant Operator. This shall however be reviewed regularly;
- 4.4 As and when the HOA renews service agreements with the relevant Operator care shall be taken by the HOA to ensure that a condition of such service agreements includes a stipulation that the relevant Operator must be POPIA compliant;
- 4.5 The aforesaid Operators are in possession of this policy document.

C. PROTECTION OF PERSONAL INFORMATION

1. Information to be processed, kept and preserved by the community scheme:

- 1.1 The HOA clearly defines what personal information and documents constitutes, communicates and assigns accountability for its privacy policy and procedures to each department within its operational structure. As a Responsible Party it monitors compliance with its Policy. Management has procedures in place to address privacy-related complaints disputes and transgressions.
- 1.2 The Monitoring system provides for the protection, insertion, amendment and deletion of personal information as elected by the client or service provider from time to time. This is founded on the following management principles:
 - 1.2.1 *Notice*
The HOA provides notice about its privacy policies and procedures and identifies the purposes for which personal information is collected, used, retained and disclosed as per the **Consent Form (annexure C)**.
 - 1.2.2 *Choice and Consent*
The HOA describes the choices available to the individual and obtains implicit or explicit consent with respect to the collection, use and disclosure of personal information as per the **opt-in/opt-out link** where applicable attached to all our correspondence, newsletters, notifications and website. Annexure C to this policy or a similar document may be used where circumstances allow for hard copy signature.
 - 1.2.3 *Collection*
The HOA collects personal information only for the purposes identified in the notice and Consent Form;
 - 1.2.4 *Use and Retention*
The HOA limits the use of personal information to the purposes identified in the notice and for which the individual has provided implicit or explicit consent and retains the information for only as long as necessary to fulfil the stated purposes
 - 1.2.5 *Access*
The HOA provides individuals with convenient access to their personal information for review and updates;
 - 1.2.6 *Disclosure (to third parties)*
The HOA discloses personal information to third parties only for the purposes identified in the notice and with the implicit or explicit consent of the individual;
 - 1.2.7 *Security (for privacy)*
The HOA protects personal information against unauthorised access (both physical and logical);
 - 1.2.8 *Quality*
The HOA maintains accurate, complete and relevant personal information for the purposes identified in the notice;

1.3 In terms of the Companies Act, the HOA must process the following information and/or documentation:

- a) Records of the current directors of the company, including full names, identity number, occupation, date of most recent election or appointment as director and such further information as required in terms of the Act;
- b) Records of past directors as described in (a) above for a period of seven years;
- c) Copies of reports presented at general meetings of the company for a period of seven years;
- d) Notices and minutes of all members' meetings, including resolutions taken by members and documents made available to the members in respect of such a resolution – for a period of seven years;
- e) Copies of written communication sent by the HOA to its members generally for a period of seven years;
- f) An updated members' register;
- g) Minutes and resolutions of every directors' meeting, directors' committees' meeting, audit committee meetings for a period of seven years.

1.4 In terms of the day-to-day administration / the internal structures of the community scheme, the HOA may process the following personal information:

Information relating to access control for security purposes and information required for general and specific communication to Members in the Community Scheme, including:

- 1.4.1 Personal information of Internal Data Subjects, which include names, surnames, identity numbers, contact details, driver's license and vehicle details, biometric information, and property information of such Internal Data Subjects;

- 2 The HOA will process personal information in the ordinary course and scope of its functions, which includes maintaining security and conducting other affairs to the benefit of its members. The HOA and its employees will primarily use personal information only for the purpose for which it was originally or primarily collected. Personal information will be utilised for a secondary purpose only if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which it was collected.

3 Limitation on information processed and the “minimum information” rule:

The HOA must record the minimum possible personal information of employees, visitors and contractors and representatives of contractors in order to comply with its security enforcement obligations, but to simultaneously balance the rights of data subjects.

The HOA must furthermore process the minimum amount of personal information of members and residents necessary to comply with the Companies Act and to conduct the day-to-day management and administration of the community scheme for the benefit of all members.

4 Responsible processing of personal information of members of the HOA:

- 4.2** Personal information may only be processed by the Company, in the following circumstances:
- 4.2.1 Where the data subject or a competent person where the data subject is a child consents to the processing;
 - 4.2.2 Where the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
 - 4.2.3 Where the processing complies with an obligation imposed by law on the responsible party;
 - 4.2.4 Where the processing protects a legitimate interest of the data subject;
 - 4.2.5 Where the processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.
- 4.3** The HOA will in the course of its day-to-day business specifically process personal information of its members, including but not limited to communication with its members via electronic mail.
- 4.4** The HOA must ensure that members' personal information, including e-mail addresses, contact details and levy account details are protected.
- 4.5** Care should be taken when communications are sent to members to ensure that personal information does not land in the hands of unintended recipients. In this regard:
- 4.5.1** levy statements of a member should be sent to the correct person(s). In order to ensure that this happens, Eldopark uses a licensed software system to transmit levy statements and care is taken to have the correct personal details of a specific member.;
 - 4.5.2** e-mail addresses of members should not be visible in general communication to all members; and
 - 4.5.3** e-mails of persons should not be forwarded to third parties without any permission from the author thereof or without any other lawful reason.
- 4.6** The HOA shall consider amendment of its rules from time-to-time in order to protect personal information (i.e. steps to be taken by members who are unintended recipients of communication or who obtains access to personal information by accident or other unlawful manner).

5 Storage of personal information and security of information:

- 5.2** all personal information shall at all times be kept secured by the HOA.
- 5.3** In the case of physical (hard copy documents), such information shall be stored in a lockable cabinet, a safe room or safe, depending on its nature.
- 5.4** Only authorised persons, which includes the information officer and persons authorised by the information officer, shall have access to such personal information.

- 5.5** In the case of digital data or data in the cyber space, such data containing personal information shall be stored on a password protected hard drive, alternatively with a POPIA compliant operator in the cloud, which is only accessible by password which the information officer and his authorised personnel has.
- 5.6** All documents stored by the HOA shall comply with the following:
- 5.6.1 The information officer and his/her deputies shall ensure that documents are labelled and organised and that labelling on electronic and hard copy documents are clear and up to date.
 - 5.6.2 No person shall be allowed to copy, use or disclose personal information to unauthorised parties.
 - 5.6.3 The information officer shall ensure that access to personal information is limited: To only those employees entrusted with the protection of same
 - 5.6.4 Hard copies of documents: -
 - o Will be locked in a cupboard or filing drawer
 - o May, as required, be sealed in a labelled box
 - 5.6.5 Electronic copies shall be password and or file access protected and Computer access shall be monitored and protected by firewalls and encryptions
 - 5.6.6 Building plans will only be provided to agents or co-residents, prospective buyers etc as soon as the office has received written instruction from the home owner where the request is granted.
 - 5.6.7 Keep watch over visitors.
 - o Visitors to Eldopark office will be requested to sign in
 - o Visitors are escorted at all times and kept away from areas where they may gain access to personal information.

6 Information processed which should be destroyed as soon as possible after its purpose was served:

Any personal information processed and stored by the HOA in terms of statute must only be kept for as long as required by such statute, unless longer storage can be motivated.

The HOA is under no obligation in law to keep the following personal information for extensive periods:

- a) Access control information, including:
 - i. Full names and identity information of visitors, contractors or employees; and
 - ii. Contact details of visitors, contractors or employees.
- b) Information including biometric data, contact details and other personal information of members and of residents entering the community scheme;

Any of the aforesaid personal information which is not required by law to be kept on record for a fixed period should be destroyed by the responsible party as soon as it has served the purpose for which it was processed. In this regard, the HOA shall retain any personal information which is processed for a specific administration purpose (such as security and access control) only for as long as same may serve a purpose and for no longer than 2 (two) months unless it is necessary to

further process the information for a lawful purpose (e.g. to assist in an investigation by authorities regarding a security breach).

7 * FINANCIAL AND INTERNAL/EXTERNAL DATA SUBJECT INFORMATION RETENTION

- All company records will be treated and stored as required by the Companies Act.
- External Data Subject information will be destroyed when no longer required for use by the HOA

Internal Data Subject information will be stored as long as the Data Subject remains resident at Eldopark Estate. If no longer a resident, the information will be destroyed after a period of two (2) months unless required otherwise by legislation. **Form of destruction or deletion of personal information:**

7.1 Once personal information becomes redundant or is no longer required by law to be stored, the HOA shall destroy or delete such information.

7.2 In the case of physical documentation, permanent destruction shall be ensured by way of shredding or recycling documents with a POPI compliant operator.

7.3 In the case of digital information in the cyber space, the relevant data files shall be deleted permanently in a form in which it cannot be readily retrieved by the HOA or its representatives.

8 Consent to processing of personal information by data subject:

In terms of the POPIA, processing of personal information is allowed once consent of the data subject is obtained.

The processing of personal information must still be for a lawful purpose or for a legitimate objective and may relate to specific personal information.

Attached to this policy is an example of a consent form (annexure C).

9 Data breaches – what to do in case personal information is leaked:

- 9.2** The HOA is committed to protect personal information and to avoid data breaches.
- 9.3** Should a data breach be committed by an operator, the HOA shall engage the operator to mitigate the breach and investigate the origin of the breach.
- 9.4** If the origin of the breach is with the operator, the HOA shall request the operator to report the breach to the Information Regulator. If it refuses, the HOA may report the breach of information to the Regulator if it relates to any closely related person to it, for instance its members, residents and employees.
- 9.5** If the breach originated as a result of an act or omission on the part of the HOA, the information officer shall immediately report the breach to the Information Regulator, shall investigate the breach and without delay prepare a report based on his findings.

10 Training

- a) The HOA shall train its representatives and staff on a continual basis as necessary, but at this stage at least yearly, regarding compliance with the processing of information and destruction of unnecessary and redundant information.

- b) Operators shall be vetted by the HOA (and through its employees or contractors appointed for such purpose, where applicable) to ensure compliance with the POPIA by said operators such as service providers of the community scheme;
- c) Training feedback questionnaires shall be completed by all participants of the training provided by the HOA in order to actively monitor and control the protection of personal information.
- d) The HOA shall furthermore utilize any training feedback in order to adapt, update and improve this manual every 12 (twelve) months.

11 **Continual development of policy**

The HOA acknowledges that assessment of its compliance must be conducted regularly (at this stage, at least yearly) and that this policy should be adapted as and when required.

D. **THE PROMOTION OF ACCESS OF INFORMATION ACT 2 OF 2000 (PAIA) AND ACCESS TO INFORMATION IN TERMS OF THE COMPANIES ACT**

1. Any person may request information held by the HOA in terms of the PAIA. Members may, in addition to the PAIA, also request specified records or information in terms of section 26 of the Companies Act.
2. Persons other than members of the HOA may request copies of the members' register held by the HOA and the Directors' register in terms of section 26 of the Companies Act.
3. Persons other than members of the HOA may request information in terms of the PAIA.
4. Requests for access to information in terms of the PAIA is dealt with in the HOA's PAIA manual, including:
 - a) The format of the request and requirements to be met before information shall be released;
 - b) Timelines for processing information pursuant to a request in terms of PAIA as well as the decision to make information available.
 - c) The form in which information is to be made available;
 - d) Recovery of costs of information processing and dispatch in terms of PAIA;
 - e) POPI Act Reference guide.
5. Data subjects may, in terms of section 23 of the POPIA, request access to personal information of them held by the Company and may, in terms of section 24, challenge its correctness or request that the personal information be deleted or destroyed.

Documents which are annexed to this policy:

1. An example of an **operator compliance guarantee** is annexed hereto marked as **Annexure A**.
2. **A quick reference guide on the processing of personal information**, the retention and storage thereof as well as the destruction of information is annexed to the policy as **Annexure B**. This reference guide is ideal to assist employees of the Company to understand the purpose of the POPIA and to comply with its provisions.
3. An **example of a consent form for the processing of personal information** of various data subjects is annexed hereto, marked **Annexure C**.

4. **Description of the subjects on which the HOA holds records**, and the categories of records held on each subject. Each of these records are available on request in **terms of POPI & PAIA. Annexure D**
5. Request for correction or deletion of personal information or destroying or deletion of record of personal information in terms of POPIA. Annexure E
 1. Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
 2. Correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information.
 3. Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

ANNEXURE "A"

GUARANTEE IN RESPECT OF COMPLIANCE With the Protection of Personal Information Act 4 of 2013 ("POPI Act")

BY: OPERATORS

COMPANY NAME:

(*"the OPERATOR"*)

REGISTRATION NUMBER:

AUTHORISED REPRESENTATIVE:

IN FAVOUR OF:

ELDOPARK HOA (NPC)

REGISTRATION NO:

(*"the RESPONSIBLE PARTY"*)

I, the undersigned _____ in my capacity as _____ duly authorised representative on behalf of _____ (*"the Operator"*) hereby declare that the Operator is POPI Act compliant and that any personal information which is processed in the course of the Operator's functions and services rendered to Eldopark Home Owner's Association NPC (*"the Responsible Party"*) shall be processed in accordance with the POPI Act.

The Operator hereby indemnifies and holds harmless the Responsible party against any claims by any third party who alleges personal information breaches and/or irresponsible processing of personal information and/or any action or omission which may, if proven, lead to an offence being committed in terms of the POPI Act, where such personal information was not adequately protected in terms of the POPI Act due to an act or omission on the Operator's part.

I further declare that I am the information officer, alternatively the duly appointed agent of the Operator and I am duly authorised on behalf of the Operator to execute this compliance declaration.

I acknowledge and understand that I may incur personal liability in terms of the penalties applicable for committing an offence under the POPI Act should I sign this document without authority of the Operator or if this warrantee is breached.

Dated and signed at _____ on this the _____ day of _____ 2021

Full names and surname:

Identity number:

Contact details:

Physical Address:

obo the Operator who warrants his authority to do so

ANNEXURE “B”

QUICK REFERENCE GUIDE

on the Protection of Personal Information Act 4 of 2013 (“the POPI Act”)

1. The POPI Act came into partial operation on the 1st of July 2020 and will become fully operational on 30 June 2021. After this date all responsible parties need to comply with the Act.
2. The purpose of the POPI Act is to promote protection of personal information which information is processed by public and/or private bodies. A community scheme, such as Eldopark Estate, is governed by a Home Owners Association (NPC) and it therefore a private body.
3. The Act prescribes certain requirements for the processing of personal information to ensure that such processing is reasonable, and that personal information is adequately protected.
4. Personal information has a wide meaning, and the Act defines personal information as follows:
 - 4.1 *Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:*
 - a) *information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;*
 - b) *information relating to the education or the medical, financial, criminal or employment history of the person;*
 - c) *any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;*
 - d) *the biometric information of the person;*
 - e) *the personal opinions, views or preferences of the person;*
 - f) *correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;*
 - g) *the views or opinions of another individual about the person; and*
 - h) *the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.*

- 4.2 Other definitions which are important to note for purposes of this guide are as follows:

Data-subject:

Is the person to whom personal information relates.

Information officer:

- a) *public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or;*
- b) *private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act.*

Processing:

Means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including

- a) *the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;*
- (b) *dissemination by means of transmission, distribution or making available in any other form; or*
- (c) *merging, linking, as well as restriction, degradation, erasure or destruction of information;*

Responsible party:

Means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

- 5. Viewed practically, the following basic principles apply when personal information of data-subjects is processed:
 - 5.1 The minimum amount of information to serve the purpose thereof must be collected;
 - 5.2 The information must be kept in a safe place to which access is limited to the information officer or the data collector authorised by the information officer – to avoid intentional and/or unintentional/accidental disclosure to third parties;
 - 5.3 Personal information which was processed and stored must only be kept for as long as it may be necessary in terms of the purpose for which it was collected and as soon as it does not serve a purpose or is not required to be stored, it must be destroyed.
- 6. When personal information is processed (i.e. handled, collected etc.), individual data-subjects' information must not be visible to other data-subjects.
- 7. If personal information is processed, it should be stored in a safe place where third parties do not have access to said personal information.
- 8. If personal information was stored after processing, it must be destroyed as soon as it has served its purpose, for example:
 - 8.1 When an entry log is signed to gain access to the property of a private and/or public body, the minimum information must be collected to comply with security protocol, the information must only be stored for a minimum amount of time in order to comply with security protocol (i.e. no more than a month or two, depending on the necessity of record-keeping and the

purpose for which the information is collected), the information collected must not be divulged to any other party than the relevant data subject from which it is collected or processed and, finally, the personal information must be destroyed in a manner so that it is not retrievable after destruction (i.e. shredding, deletion or destruction by the private body, alternatively, recycling, destruction or deletion by a responsible third party operator which is POPI Act compliant).

- 8.2 Where information of a data-subject is processed and it required to be stored or extensive periods of time in terms of statute, it must be stored in a safe place which is not accessible to third parties and after the prescribed statutory period, it must be destroyed in an irretrievable manner (i.e. shredding, deletion or destruction by the private body, alternatively, recycling, destruction or deletion by a responsible third party operator which is POPI Act compliant).

9. The general rule of thumb when working with personal information of a data-subject is as follows:

- 9.1 Only record necessary information to serve the purpose for which it is processed (i.e. scanning of driver's licence and licence disk to gain access to the scheme for security purposes, temperature readings taken for compliance with the Disaster Management Act regulations applicable from time to time);
- 9.2 Don't store the information if it will serve no purpose or if it is not prescribed by legislation;
- 9.3 Destroy information as soon as possible after it had become redundant (i.e. where it becomes unnecessary to keep or when prescribed periods for record keeping elapses);
- 9.4 Never give out any personal information collected to third parties;
- 9.5 When in doubt, contact your information officer for directions relating to personal information which you have processed and/or are about to process in the course and scope of your employment or other contract.

ANNEXURE "C"

CONSENT FOR PROCESSING OF PERSONAL INFORMATION In terms of the Protection of Personal Information Act 4 of 2013 ("the POPIA")

By

Identity/ registration number: _____

(capacity: _____)("data subject")

In favour of

ELDOPARK HOME OWNERS ASSOCIATION (NPC)

I, the signatory hereto, in my capacity as _____ (member/resident/employee etc.) hereby consent to the processing of my personal information for the following purposes in terms of section _____ of the POPIA:

[mark the relevant options]

- Access control to the Eldopark Estate ☐
- Receipt of communication from the Eldopark Estate ☐
- Manner of communication including
Whatsapp group, Facebook

I further acknowledge that I have had access to the policy in terms of the POPIA of the Eldopark Estate and was given the opportunity to peruse same and that I am aware of the purpose of processing of my personal information.

I further acknowledge that I may at any stage contact the information officer of Eldopark HOA to enquire regarding my personal information processed by the Eldopark HOA and that I may request access to the records of personal information held by it in terms of the POPIA and to exercise my rights in terms of sections 23 and 24 of the POPIA.

SIGNATURE

Obo Data subject, warranting his/her authority

ANNEXURE “D”

Description of some of the subjects on which the EHOA holds records, and the categories of records held on each subject. Each of these records are available on request, which request shall be considered in terms of POPI & PAIA

1 SERVICE PROVIDER/CONTACTORS -Services Records	
1.1 SP / CONTACTORS correspondence	1.5 Proposal and tender documents
1.2 SP / CONTACTORS contracts	1.6 Project plans
1.3 SP /CONTACTORS business information	1.7 Risk management records & Solution
1.4 Legal documentation	

2 Corporate Governance	
2.1 Codes of conduct	2.4 Legal compliance records
2.2 Board meeting minutes	2.5 Policies
2.3 Executive committee meeting minutes;	

3 Finance and Administration	
3.1 Accounting records	3.5 Remittances
3.2 Annual financial statements	3.6 Invoices and statements
3.3 Agreements; Banking records	3.7 Tax records and returns
3.4 Correspondence	3.8 Purchase orders

4 Human Capital	
4.1 Personnel information	4.6 PAYE & UIF records and returns
4.2 Employment equity reports	4.7 Performance management records;
4.3 General terms of employment	4.8 Assessments; Policies and procedures;
4.4 Letters of employment	4.9 Retirement benefit
4.5 Leave records	4.10 Medical records

5 Information Management and Technology	
5.1 Agreements	5.3 Information policies (Cookies & Similar)
5.2 Equipment register	5.4 Standards, procedures and guidelines

6 Learning and Education	
6.1 Training material	6.3 Learnership Programmes
6.2 Training records	6.4 Training agreements

7 Marketing and Communication	
7.1 Advertising plans	7.3 Communication strategies
7.2 Marketing publication	

8 Operations	
8.1 Access control records	8.6 Insurance documentation
8.2 Agreements	8.7 Service level agreements
8.3 Archival administration documentation	8.8 Procurement agreements & documentation
8.4 Communication strategies	8.10 Vehicle registration documents
8.5 General correspondence	8.11 Cellular phone registration documents including RICA

9 Secretarial Services	
9.1 Applicable statutory documents	9.4 Minutes of meetings
9.2 Corporate structure documents	9.5 Resolutions passed
9.3 Memoranda and Articles of Association	

MANUAL in terms of section 51 of the Promotion of Access to Information Act 2 of 2000
("PAIA")

In respect of:

ELDOPARK HOME OWNERS' ASSOCIATION (NPC)

REGISTRATION NUMBER: 97/019082/08

("THE HOA") / ("the COMMUNITY SCHEME") / ("the COMPANY")

IMPORTANT DEFINITIONS CONTAINED IN THE PAIA

'Head' of, or in relation to, a private body means

- (a) in the case of a natural person, including a person referred to in paragraph (c) of the definition of 'political party', that natural person or any person duly authorised by that natural person;
- (b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- (c) in the case of a juristic person:
 - (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
 - (ii) the person who is acting as such or any person duly authorised by such acting person; or
- (d) in the case of political party, the leader of the political party or any person duly authorised by that leader;

'Person' means a natural person or a juristic person.

'Personal requester' means a requester seeking access to a record containing personal information about the requester;

'Private body' means -

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession;
- (c) any former or existing juristic person; or
- (d) a political party,

but excludes a public body.

'Record' of, or in relation to, a public or private body, means any recorded information

- (a) regardless of form or medium;
- (b) in the possession or under the control of that public or private body, respectively; and
- (c) whether or not it was created by that public or private body, respectively;

'Request for access', in relation to

- (a) a public body, means a request for access to a record of a public body in terms of section 11; or
- (b) a private body, means a request for access to a record of a private body in terms of section 50;

'Requester', in relation to:

- a) a public body, means
 - (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or
 - (ii) a person acting on behalf of the person referred to in subparagraph (i);
- (b) a private body, means

- (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- (ii) a person acting on behalf of the person contemplated in subparagraph (i);

INTRODUCTION AND DESCRIPTION OF THE PRIVATE BODY:

1. The Eldopark Home Owners association (NPC) ("*the HOA*") is a non-profit company incorporated for the purpose of control, administration and management of the Eldopark community scheme consisting of full title erven, as well as common areas of the larger Community Scheme (Eldopark Estate), comprising/situated at
No 1 Melle's Drive
Entrance: - Cnr Willem Botha Street & Melle's Drive,
Eldoraigine Ext 23
Centurion

1. Some of the functions of the HOA include: to provide security, regulate ingress and egress to the scheme and to maintain the common areas which consist of gardens, roads and buildings for the benefit of the owners of the full title erven (members).
2. The company is regulated by the Companies Act 71 of 2008, the Memorandum of Incorporation of the HOA and rules created in terms of the aforesaid.

CONTACT DETAILS OF THE HEAD OF THE COMPANY:

3. The head of the company shall be deemed to be Estate Manager of the HOA who is in office from time-to-time.
4. The contact details of the head are as follows:

Full names:	Jalané
Surname:	Van Wyk
Identity number:	690807 0033 087
Contact details:	
Physical office address:	29 Marna Street Eldopark Eldoraigine X28 Centurion
E-mail address:	eldopark@eldopark-estate.co.za
Telephone number:	082 492 5684
Designation:	ESTATE MANAGER

5. The Human Rights Commission, in terms of Section 10 of PAIA, issued a guide on how to use the PAIA, which is published in several languages and available at www.sahrc.org.za. The electronic version of the guide is available on request from the managing agent or chairperson of the HOA.

SUBJECTS ON WHICH RECORDS ARE HELD BY THE COMPANY:

6. The company holds records of information on the following subjects and for the following periods:

6.1 In terms of section 24 of the Companies Act, the HOA must keep records of following information and/or documentation:

- a) Records of the current directors of the company, including full names, identity number, occupation, date of most recent election or appointment as director and such further information as required in terms of the Act;
- b) Records of past directors as described in (a) above for a period of seven years;
- c) Copies of reports presented at general meetings of the company for a period of seven years;
- d) Notices and minutes of all members' meetings, including resolutions taken by members and documents made available to the members in respect of such a resolution – for a period of seven years;
- e) Copies of written communication sent by the HOA to its members generally for a period of seven years;
- f) An updated members' register;
- g) Minutes and resolutions of every directors' meeting, directors' committees' meeting, audit committee meetings for a period of seven years.

6.2 Personal information collected from data subjects which is protected by the Protection of Personal Information Act (POPIA):

Information relating to access control into the community scheme, including:

- a) Biometrics of residents and members;
- b) Names, identity numbers, contact details and designations of visitors, employees and contractors.

7. The right to request information in terms of the Companies Act Section 26:

7.1 In terms of Section 26 of the Companies Act 71 of 2008 a member may request the information mentioned in section 24 of the Companies Act.

7.2 A member's rights to request information in terms of PAIA is not limited by the provisions of the Companies Act.

7.3 A non-member may request the following information of the company:

- 7.3.1 Persons other than members of the HOA may request copies of the members' register held by the HOA and the Directors' register in terms of section 26 of the Companies Act.
- 7.3.2 Persons other than members of the HOA may request any additional information relating to the HOA in terms of the PAIA and in terms of this manual.

REQUEST FOR ACCESS TO RECORDS OF THE COMPANY:

8. Any interested party who wishes to obtain access to a record of the HOA shall apply for access to such a record as indicated herein below:
- 8.1 Any record may be requested by making use of the following process:
- a) All records may be requested from the head in writing and in compliance with the PAIA and this manual;
 - b) The HOA shall not make available any information for inspection and will only, after considering a request for access to information, provide copies thereof to the requester (electronically or otherwise). Only in exceptional circumstances, where it is impossible to provide copies, will inspection be arranged.
 - c) The HOA shall be entitled to demand payment of a request fee and access fee as determined in terms of item 2, part 3 of the regulations promulgated under the PAIA. The aforesaid request and access fees are attached hereto marked as annexure "**A**". *[The HOA reserves its rights to withhold copies made or information requested until payment of the aforesaid costs to it had been made by the requester.]*
 - d) A request referred to above shall be in writing, substantially in the form of the attached prescribed **Form C** attached as annexure "**B**" to this document, and stating / complying with the following additional requirements:
 - i. A request shall be delivered via e-mail for the attention of the information officer of the company to the address as provided for in this manual;
 - ii. The full names, physical address and identity number of the requester;
 - iii. Indicating whether the requester is a member of the HOA or not, alternatively, whether the application is made on behalf of another party. In such case the other party and the capacity in which the request is made on behalf of the other party needs to be stated;
 - iv. Indicating the number of the unit/erf which the requester owns if the requestor is a member of the HOA;
 - v. If the requester is not a member, he/she/it shall state its capacity (i.e. visitor, employee or contractor of the company or of a member).

- vi. If the request for information is made on behalf of another person, the requester must provide authorisation for such a request and furnish proof of his/her/its capacity in relation to the person on whose behalf the request is made;
 - vii. Specifying the type of document or information requested (the subject and category within which the document or information falls);
 - viii. specification of the date/year of the document if the document is produced periodically or where more than one version of the document is likely to exist;
 - ix. indicate which right the requester seeks to protect or exercise with the information requested and provide an explanation why the requested document or information is necessary to protect or exercise his/her/it's right;
 - x. Indicate why the record is requested in terms of PAIA and not in terms of the Companies Act;
 - xi. Indicate whether an electronic or hard copy of document is requested and, if an electronic document is requested (and where it is possible to furnish same electronically) an e-mail address for delivery thereof should be provided;
 - xii. written replies to the request shall be furnished by way of electronic mail, unless indicated otherwise by the requester.
- 8.2 Once the HOA is in receipt of a request for information, it shall acknowledge the request within 7 (seven) business days, unless otherwise communicated.
- 8.3 The request shall thereafter be referred to the head of the HOA for consideration and a response.
- 8.4 Once the request is approved, an invoice shall be sent to the requester for payment of the request fee and access fee.
- 8.5 If the request is denied, the requester shall be informed within 30 (thirty) days, subject to extension as provided for in the PAIA.
- 8.6 The HOA shall not make available any personal information to a requester/personal requested without strict compliance with the POPI Act, as read with the PAIA.
- 8.7 In terms of section 51 (2) of PAIA, this manual must be updated on a regular basis and it is the duty of requesters to conform to the process described in the latest available version of the manual.

ANNEXURE “A”

Request fees and access fees applicable to a request in terms of PAIA - Fees in respect of private bodies

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)	For every photocopy of an A4 size page or part thereof	R1.10.
b)	For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
c)	For a copy in a computer readable form on:	
	(i) stiffy disc	R7.50
	(ii) compact disc	R70.00
d)	Visual	
	(i) For a transcription of visual images, for an A4 size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
e)	Audio	
	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00

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:

a)	For every photocopy of an A4-size page or part thereof	R1.10
b)	For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
c)	For a copy in a computer-readable form on:	
	(i) stiffy disc	R7.50
	(ii) compact disc	R70.00
d)	Visual	
	(i) For a transcription of visual images, for an A4 size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
e)	Audio	
	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00
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		

5. For purposes of section 54(2) of the Act, the following applies:

ANNEXURE “B”

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.

The actual postage is payable when a copy of a record must be posted to a requester.

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:

.....

.....

.....

.....

.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 below, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X . NOTES: (a) Compliance with your request for access 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.	Form in which record is required:
---	---

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 cassette)		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:

.....

.....

.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE