

The Body Corporate of St Martini Gardens SS249/2002

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA).

The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person or entity, where such information is required by someone to protect his/her rights.

A copy of this manual is available for inspection at the Information Regulator, at the physical address of the Body Corporate, and on the website smartinigardens.co.za.

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1. Overview

1.1 St Martini Gardens

St Martini Gardens (SMG) is a Sectional Title Scheme Body Corporate (BC) and conducts business as a residential Sectional Title Scheme.

It acts in terms of the Sectional Titles Schemes Management Act 8 of 2011 (STSMA) which “provides for the establishment of bodies corporate to manage and regulate sections and common property in sectional titles schemes and for that purpose to apply rules applicable to such schemes”.

The following rules apply to the scheme:

- The Prescribed Management Rules published as Annexure 1 to the Sectional Titles Schemes Management Regulations issued in October 2016.
- Additional Management Rules lodged with the Deeds Office in 2002.
- Conduct Rules approved by the members of the Body Corporate (BC) and CSOS¹.

The functions and powers of the BC are performed and exercised, in terms of the STSMA and the rules, by the trustees of the BC holding office. The trustees of the BC are elected at each Annual General Meeting.

1.2 Scheme Management

1.2.1 The BC has contracted the services of ANGOR Property Specialists (Pty) Ltd (ANGOR) as Managing Agent.

ANGOR acts on the instructions of the BC (represented by the trustees) in line with a Scope of Work which includes the following:

- Assist the BC with compliance with legislation and contractual matters.
- Provide Secretarial support.
- Provide Financial management, including budgeting, accounting, collection of levies and other monies due, payments to service providers and employees, insurance policies, bank accounts, and tax matters.
- Provide Administrative management, including the keeping of member records and correspondence, and management of service provider and employee contracts.

This includes recording and processing personal information on members (owners), employees and service providers as an **Operator**.

1.2.2 The BC employs a **Building Manager** and a **Security Manager**.

They act on the instructions of the BC (represented by the trustees) in line with their employment contracts, in order to provide Physical management of the scheme, including security and access control. This includes recording and processing personal information of members, residents, visitors, employees, service providers and others who access the premises.

¹ Approved by members on 30th November 2020 and by CSOS on 5th March 2021
20220125 SMG PAIA Manual (signed).docx



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2. Contact Details

The following people are responsible for the Body Corporate's information:

Responsibility	Name	Position
Information Officer	Glyn Fogell	Trustee Chairman Trustee responsible for information technology and security matters
Deputy Information Officers	Riedewaan Abdullah	Building Manager
	Ashley Morkel	Security Manager
	Marion Fogell	Trustee responsible for governance

They may all be contacted via the address below.

The Information Officer and Deputy Information Officers are registered with the South African Information Regulator.

- The physical, postal and service address of St Martini Gardens Body Corporate is:
70-74 Queen Victoria Street
Cape Town 8001
Phone 021 424 7529
e-mail supervisor@stmartinigardens.co.za, trustees@stmartinigardens.co.za

3. Body Corporate Records

3.1 Public Records

Records	Availability
Registered Owners (SS249/2002)	Cape Town Deeds Office, City of Cape Town Valuation Roll
Sectional Plan of the Scheme (D85/2002)	Office of the Surveyor General in Cape Town

These records are automatically available, at standard tariffs.

3.2 General information

3.2.1 Public information about St Martini Gardens, including:

- Responsibilities and contact details;
- SMG Management and Conduct Rules, procedures and forms;
- This PAIA Manual and forms.

This information is available from website smartinigardens.co.za or on request from ANGOR.

3.3 Information held in terms of STSMA

3.3.1 Governance records in terms of Prescribed Management Rule 27, which include:

- Minutes of trustee meetings;
- Minutes of member meetings;
- Lists of:
 - Trustees, members and tenants;
 - Sections;
 - Exclusive use areas;
 - Registered bondholders.
- The registered sectional plan;
- Annual General Meeting notices and attachments.

Meeting minutes and scheme details are retained for the lifetime of the scheme.

Trustee, member, tenant and bondholder records are retained for five years after the person ceases to be a trustee, member, tenant or bondholder.

3.3.2 Financial records in terms of Prescribed Management Rule 26, which include:

- Records of income, expenditure, assets and liabilities;
- Annual Financial Statements;
- Maintenance, Repair & Replacement Plan;
- Budgets for the administrative and reserve funds;
- All amounts recovered from members;
- Insurance policies.

These records are retained for six years after completion of the transactions to which they relate.

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3.4 Records held, and available in terms of other legislation:

- Basic Conditions of Employment Act, No 57 of 1997;
- Companies Act, No 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No 130 of 1993;
- Constitution of the Republic of South Africa Act, No 108 of 1996;
- Employment Equity Act, No 55 of 1998;
- Income Tax Act, No 58 of 1962;
- Labour Relations Act, No 66 of 1995;
- National Building Regulations and Buildings Standards Act, No 103 of 1977;
- Occupational Health and Safety Act, No 85 of 1993;
- Protection of Personal Information Act, No 4 of 2013;
- Rental Housing Act, No 50 of 1999;
- Skills Development Act, No 97 of 1998;
- Skills Development Levy Act, No 9 of 1999;
- Unemployment Insurance Act, No 30 of 1966;
- Various City By-Laws.

3.5 Other information held, and available in terms of PAIA:

3.5.1 The following information is held in terms of SMG rules and processes:

- CCTV system recordings;
- Access control system records;
- Occurrence Books and supporting information, including Whatsapp messages;
- Access registers;
- On-site employee COVID compliance and screening records; and
- Wireless intercom system.

This information is described in the **SMG Security Information Policy**.

3.5.2 Other information held includes:

- Correspondence between the trustees, and to and from the trustees with the managing agent, members, residents and others;
- Correspondence to and from the Building manager and Security manager with the trustees, managing agent, members, residents, service providers and others;
- Correspondence between employees of the managing agent, and to and from the managing agent with trustees, members, residents, service providers and others.

This information is kept for five years.



3.6 Personal Information

Personal information is collected and processed by the BC in terms of the SMG Privacy Policy, which is available for inspection at the physical/ service address of the Body Corporate, and on the website stmartinigardens.co.za.

4. Access to information

4.1 Requests in terms of STSMA

- 4.1.1 On receiving a written request, the BC must make the records and documents referred to in Prescribed Management Rules 26 and 27 available for inspection by, and provide copies of them to -
- (a) a member;
 - (b) a registered bondholder; or
 - (c) a person authorised in writing by a member or registered bondholder.
- 4.1.2 The BC must comply with a request for inspection or copying under this rule within 10 days unless the request is in respect of the rules, in which case the BC must comply with the request within five days.
- 4.1.3 The BC may charge a fee for a copy of a record or document other than the rules, provided that the fee is not more than the reasonable cost associated with the process of making the copy, and the BC may refuse to supply the copy until the fee is paid.
- 4.1.4 Members and others provided with personal information in terms of the STSMA are only permitted to use it for purposes related to SMG scheme management.

4.2 Requests in terms of PAIA

- 4.2.1 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 4.2.2 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC at:
- | | |
|-------------------|--|
| Postal Address: | Private Bag 2700, Houghton, 2041 |
| Telephone Number: | +27-11-877 3600 |
| Fax Number: | +27-11-403 0625 |
| Website: | www.sahrc.org.za |
- 4.2.3 A requester may have access to the records of a private body if the record is required for the exercise or protection of any rights.
- 4.2.4 If a public body lodges a request, the public body must be acting in the public interest.
- 4.2.5 The requester must:
- Use the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za, and attached;
 - Address their request to the Information Officer or a Deputy Information Officer;
 - Provide sufficient details to enable the BC/ Managing Agent to identify:
 - The record(s) requested;
 - The requester (and if an agent is lodging the request, proof of capacity);
 - The form of access required;
 - The address of the requester in the Republic;
 - How the requester wishes to be informed of the decision and/ or the information;
 - Identify the right that is sought to be exercised or to be protected and explain why the requested record is required for the exercise or protection of that right.

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4.3 Prescribed fees

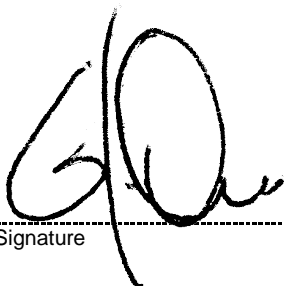
- 4.3.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 4.3.2 The following applies to all other requests:
- A requester is required to pay the prescribed fees (R50.00) before a request will be processed;
 - If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
 - A requester may lodge an application with a court against the tender/ payment of the request fee and/ or deposit;
 - Records may be withheld until the fees have been paid;
 - The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za and is attached.

4.4 Decision Process

- 4.4.1 Requests for information can be refused in terms of sections 62 to 70 of the PAIA Act, particularly (in terms of section 63) where this would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- 4.4.2 The Information Officer of the BC will notify the requester in writing of the decision on the request and the cost of processing the request.
- 4.4.3 If a decision has been made to deny the request, the Information Officer will advise the requester in writing of his reasons for denying the request. The requester can then further pursue his request in terms of the provisions of the Promotion of Access to Information Act.

5. Approval

Glyn Fogell
Information Officer



Signature

31/01/2022

Date

Glossary of acronyms

BC	Body Corporate
PAIA	Promotion of Access to Information Act, 2000
POPIA	Protection of Personal Information Act 2013
SMG	St Martini Gardens
STSMA	Sectional Titles Schemes Management Act 8 of 2011
ANGOR	ANGOR Property Specialists (Pty) Ltd

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Schedule of Fees

Promotion of Access to Information Act (PAIA) No. 2 of 2000:

Fees in respect of Private Bodies (Extract from Government Gazette No. 24167 of 13 December 2002)

PART A: Fees payable for the disclosure of voluntarily available information

- | | |
|---|--------|
| 1. For every photocopy of an A4-size page or part thereof | R1.10 |
| 2. For every printed copy of an A-4 size page or part thereof held on a computer or in electronic or machine-readable form. | R0.75 |
| 3. For a copy in a computer-readable form on: | |
| (a) stiffer disk | R7.50 |
| (b) compact disk | R70.00 |
| 4. For a transcription of visual images | |
| (a) for an A4-size page or part thereof | R40.00 |
| (b) for a copy of visual images | R60.00 |
| 5. For a transcription of an audio record | |
| (a) for an A4-size page or part thereof | R20.00 |
| (b) for a copy of an audio record | R30.00 |

PART B: Request and access fees for information requested (other than voluntarily available information)

- | | |
|--|--------|
| 1. The request fee payable by requester, other than personal requester | R50.00 |
| 2. Access fee for the cost of making a copy, the time required to search and prepare record (unless exempted) | |
| (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) stiffer disk | R7.50 |
| (ii) compact disk | R70.00 |
| (d) for a transcription of visual images | |
| (i) for an A4-size page or part thereof | R40.00 |
| (ii) for a copy of visual images | R60.00 |
| (e) for a transcription of an audio record | |
| (i) for an A4-size page or part thereof | R20.00 |
| (ii) for a copy of an audio record | R30.00 |
| (f) To search for and prepare the record for disclosure R30.00 for each hour or part of an hour reasonably required for such search and preparation. | |
| 3. The postal fee payable when a copy of a record must be posted: Actual postal fee to the requester. | |
| 4. Fee payable when the preparation for the record exceeds 6 hours: 1/3 of access is payable as deposit by the requester. | |

Form C: Request for information from a private body

Write-on pdf attached.

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:

.....

.....

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.....

2. Reference number, if available:

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3. Any further particulars of record:

.....

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.....

.....

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:

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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:	Form in which record is required:
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.	

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
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G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

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