

BELLBUOY (PTY) LIMITED

t/a THE BELLBUOY GROUP

A guide to

ACCESSING OUR INFORMATION

Our Manual

in terms of Section 51 of the

Promotion of Access to Information Act



Table of contents

	Page
Preamble	3
Introduction to this private body	4
Section A – Our details	6
Section B – The official guide	6
Section C – Information available in terms of the Act	7 - 9
Section D – Information available in terms of other legislation	10
Section E – Information automatically available	11
Section F – General	12

Annexure "A"- Request for access to record of private body

Annexure "B" – Fees in respect of private bodies

Preamble

The promotion of Access to Information Act No. 2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we, as a private body, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this private body

We, as a private body, have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights. Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

BELLBUOY offers:

- Management and Administration of Sectional Title Schemes, Homeowners Associations, Shareblock Schemes and Retirement Villages / Life Rights Schemes;
- Residential and commercial collections and administration;
- Resale of properties;

and is equipped to deal with all aspects involved in the management of communal properties.

BELLBUOY was formed initially in 1996 as a close corporation by two prominent local businessmen who saw the need for personalised yet efficient and professional management for property developments offering communal ownership as well as the affiliated aspects of rental collection and property sales. The close corporation was managed by a General Manager who in 2006 became a shareholder and member. On 3 February 2012 the close corporation was converted to a (Pty) Limited company.

BELLBUOY is well-gearred to deal with all the pre-planning necessary in establishing a new development, including calculation of initial levies and the like as well as phased requirements and other regulations peculiar to communal housing. A working knowledge of the various Acts involved is essential as well as ongoing monitoring of changes to relevant legislation.

BELLBUOY is managed by Joint Managing Directors. Well qualified teams ensure that the relevant divisions provide professional service to the company's clients. The company enjoys excellent office facilities with boardrooms available for meetings. They constantly monitor and update their networking / computer systems as well as software in order to comply with current regulations and requirements. Their web portal allows clients access to data relevant to their property which is updated on a daily basis.

BELLBUOY is a member of the Estate Agency Affairs Board, the Institute of Realtors and the National Association of Managing Agents and adheres to the ethics and Codes of Conduct of these Associations. Bellbuoy is also registered with the Debt Collectors' Association as required by statute.

Section A – Our details

Full name : Bellbuoy (Pty) Limited t/a The Bellbuoy Group

Registration number : 2012/019786/07

Registered Address : KPMG House, 200 Norvic Drive, Greenacres, Port Elizabeth

Postal Address : PO Box 7660, Newton Park, 6055

Telephone number : 041 374 4444

Facsimile number : 041 374 2444

Shareholders / Directors : Garry Shaun McWilliams
Michael Charles White
Greer Dawn Moore-Barnes
Shannon-Lee Moore-Barnes
Chantel van Heerden

Public Officer : Cheryl Ann Webber

Designated Information Officer : Greer Dawn Moore-Barnes

e-mail address of Information Officer : greer@bellbuoy.co.za

Website : www.bellbuoy.co.za

Section B – The official guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The guide will contain the following information:

1. The objects of the Act
2. Particulars of the information officer of every public body
3. Particulars of every private body as are practicable
4. The manner and form of a request for access to information held by a body
5. Assistance available from both the information officer and the Human Rights Commission in terms of this Act
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application
7. Schedules of fees to be paid in relation to requests for access to information
8. Regulations made in terms of the Act

Copies of this guide will be available as soon as it is published by the SAHRC. Enquiries regarding the guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton 2041

Telephone: 011 484 8300

Facsimile: 011 484 0582

Website: www.sahrc.org.za

e-mail: PAIA@sahrc.org.za

Section C – Information available in terms of the Act

1. Categories of information – we hold the following categories of information:

(a) Statutory Private Company information as follows:

- a. CoR18.3 – Registration certificate
- b. CoR39 – Certificate of directors' details / amendments
- c. Minutes books
- d. Resolutions passed at meetings
- e. Annual financial statements, including annual accounts and the report of the accounting officer
- f. Accounting records, including supporting schedules to accounting records and ancillary accounting records.

(b) Accounting Records:

- a. Books of account including journals and ledgers
- b. Invoices, statements, receipts, vouchers and other relevant documentation

(c) Statutory employee records:

- a. Employees' names and occupations
- b. Time worked by each employee
- c. Remuneration paid to each employee
- d. Date of birth of each employee
- e. Salary and wages register
- f. Staff records (after date of employment ceases)
- g. Copies of Staff IRP5 certificates
- h. Medical aid records
- i. Leave records
- j. PAYE, UIF & SDL records

(d) Other employee records:

- a. Employee contracts
- b. Incentive schemes
- c. Study assistance schemes
- d. Maternity leave policy
- e. Memorandum of conduct guidelines

(e) Movable property:

- a. Asset register
- b. Finance and lease agreements

(f) Intellectual property:

- a. Logo and trading name
- b. Templates drawn un specifically for company usage

(g) Agreements and contracts:

- a. Management agreements concerning provision of services
- b. Rental lease
- c. Sales agreement

(h) Taxation and other statutory compliances:

- a. Copies of all income tax returns and other tax returns and documentation
- b. VAT records

c. Regional Service levies records

- (i) Insurance (must be noted that we merely keep records and carry out acceptable administrative tasks – all other insurance handling carried out by brokers / insurers):
- a. Insurance policies and details of cover, limits and insurers
 - b. Claims records where provided

(j) Information technology:

- a. Hardware
- b. Operating systems
- c. Telephone exchange equipment
- d. Telephone lines, leased lines and data lines
- e. Software packages
- f. Disaster recovery
- g. Internal systems support and programming / development
- h. Capacity and utilization of current systems

(k) Sales and marketing:

- a. Clients – presentation of services documentation

2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in Annexure "A" hereto. These forms are available from:

- our information officer (refer contact details in section A of this manual);
- the SAHRC website (www.sahrc.org.za)
- the Department of Justice and Constitutional Development website (www.doj.gov.za)

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Section D – Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Debt Collectors' Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- Estate Agency Affairs Act No 112 of 1976
- Financial Intelligence Centre Act No 38 of 2001
- Housing Development Schemes for Retired Persons Act No 65 of 1988
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Rental Act No 50 of 1999
- Sectional Titles' Act No. 95 of 1986
- Share Blocks Control At No. 59 of 1980
- Skills Development Act 9 of 1999
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No 63 of 2001
- Value-Added Tax Act No 89 of 1991

Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in Section A of this manual.

1. Newsletters pertaining to Membership of National Association of Managing Agents
2. Pamphlets / Brochures pertaining to National Association of Managing Agents

Section F – General

Anyone wishing to obtain more information pertaining to Bellbuoy (Pty) Limited should contact the information officer, Greer Moore-Barnes, via email to greer@bellbuoy.co.za

ANNEXURE "A"

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53 (1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

.....
.....
.....

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:.....

.....

Identity number:.....

Postal address:.....

.....

.....

..... Fax number:.....

Telephone number:..... E-mail address:.....

Capacity in which request is made, when made on behalf of another person:.....

.....

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:.....

.....

Identity number:.....

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:

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 hereunder, 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 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
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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*
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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)
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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)
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<p>*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.</p>	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:.....

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 atthis..... day of.....20

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

ANNEXURE "B"

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

3. Access fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure "A" to the Regulations.

4. Other fees

- 4.1 A request fee³ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee⁴ may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1 Section 52(3) and Regulation 1(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2).

4 Annexure "A", Part III, Item 4(1)(f).

5 Section 54(2).

**PART III
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:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stifty disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

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:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) stifty disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(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.	

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

- (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.

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