African Club Innovations Management Association NPC

(Registration number: **2006/014895/08**)

*Manual prepared in terms of **Section 51** of the **Promotion of Access to Information Act 2 of 2000** (as amended)*

Updated: **27/11/2023**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	"**CEO**"	Chief Executive Officer
1.2	"**DIO**"	Deputy Information Officer;
1.3	"**IO**"	Information Officer;
1.4	"**Minister**"	Minister of Justice and Correctional Services;
1.5	"**PAIA**"	*Promotion of Access to Information Act No. 2 of 2000* (as Amended;
1.6	"**POPIA**"	*Protection of Personal Information Act No.4 of 2013*;
1.7	"**Regulator**"	The Information Regulator; and
1.8	"**Republic**"	Republic of South Africa

2. INTRODUCTION

As a private body, we have compiled this manual, not only to comply with the provisions of the **Promotion of Access to Information Act**, **2 of 2000** but also with the provisions of the **Protection of Personal Information Act 4 of 2013**. We strive to foster a culture of transparency and accountability in our operational environment by giving effect to the right to have access to information that is in our possession, and which will assist members of the public in the exercise and protection of their rights. Inside this manual, you will be able to view the categories of information that we possess. You will also be guided on the correct procedure to follow should you require access to any of this information.

3. PURPOSE OF PAIA MANUAL

The purpose of this PAIA Manual is to assist the public to –

3.1 confirm the categories of records held by a body that is available without a person having to submit a formal PAIA request;

3.2 have a sufficient understanding of how to request access to a record of the body, by describing the subjects on which the body holds records and the categories of records held on each subject;

3.3 know the description of the records of the body which are available under any other legislation;

3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

3.6 know if the body will process personal information, the purpose of the processing of personal information and the description of the categories of data subjects and the information or categories of information relating thereto;

3.7 know the description of the categories of data subjects and the information or categories of information relating thereto;

3.8 know the recipients or categories of recipients to whom the personal information may be supplied;

3.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity, and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF AFRICAN CLUB INNOVATIONS MANAGEMENT ASSOCIATION NPC

4.1. Chief Information Officer

Head: C/O Managing Agent		**Information officer:**	Charlene van den Berg
Postal address:	PO Box 35580 Menlo Park 0102	**Physical address:**	Mooikloof Office Park East Cnr of Atterbury & Jollify Main Rd Mooikloof 0059
Telephone number:	(012) 492 1108	**Fax number:**	(012) 996 0556
E-mail address:	charlenev@rhservices.co.za		

4.2. **Deputy Information Officer**

Head: C/O Managing Agent		**Deputy Information officer:**	Sharon Ferreira
Postal address:	PO Box 35580 Menlo Park 0102	**Physical address:**	Mooikloof Office Park East Cnr of Atterbury & Jollify Main Mooikloof 0059
Telephone number:	(012) 492 1108	**Fax number:**	(012) 996 0556
E-mail address:	sharonf@rhservices.co.za		

4.3 **Access to information general contacts**

Email information: compliance@rhservices.co.za

4.4 **National or Head Office**

Postal Address:	PO Box 35580, Menlo Park, 0102
Physical Address:	C/O Managing Agent - Mooikloof Office Park East, Cnr of Atterbury and Jollify Main Road, Mooikloof, 0059
Telephone:	(012) 492 1108
Email:	compliance@rhservices.co.za
Website:	https://www.africanclubinnovations.co.za/

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

5.1. The Regulator has, in terms of Section 10(1) of PAIA, as amended, updated, and made available the revised Guide on how to use PAIA (the "**Guide**"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

5.2. The Guide has been published in all the official languages as per Regulation 3(1) under ***Government Gazette* 45057** dated **27 August 2021**.

5.3. The aforesaid Guide contains the description of-

5.3.1. the objects of PAIA and POPIA;

5.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of -

5.3.2.1. the Information Officer of every public body, and

5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of Section 17(1) of PAIA[1] and section 56 of POPIA[2];

5.3.3. the manner and form of a request for -

5.3.3.1. access to a record of a public body contemplated in section 11[3]; and

5.3.3.2. access to a record of a private body contemplated in section 50[4];

5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

5.3.6.1. an internal appeal;

5.3.6.2. a complaint to the Regulator; and

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[1] Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

[2] *Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

[3] *Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

[4] *Section 50(1) of PAIA- A requester must be given access to any record of a private body if-*
a) that record is required for the exercise or protection of any rights;
b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

5.3.6.3. an application with a court against a decision by the information officer of a

a public body, a decision on internal appeal or a decision by the Regulator or a

the decision of the head of a private body;

5.3.7. the provisions of sections 14[5] and 51[6] requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

5.3.8. the provisions of sections 15[7] and 52[8] providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

5.3.9. the notices issued in terms of sections 22[9] and 54[10] regarding fees to be paid with requests for access; and

5.3.10. the regulations made in terms of section 92[11].

5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.5. The Guide can also be obtained-

5.5.1. upon request to the Information Officer;

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[5] *Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

[6] *Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

[7] *Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

[8] *Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

[9] *Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

[10] *Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

[11] *Section 92(1) of PAIA provides that –"The Minister may, by notice in the Gazette, make regulations regarding-*
(a) any matter which is required or permitted by this Act to be prescribed;
(b) any matter relating to the fees contemplated in sections 22 and 54;
(c) any notice required by this Act;
(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
(e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

5.5.2. from the website of the Regulator (https://inforegulator.org.za/).

5.6 Copies of this Guide are available for inspection, free of charge, at the offices of African Club Innovations Management Association NPC, during normal office hours in **English** and **Afrikaans**.

6. CATEGORIES OF RECORDS OF AFRICAN CLUB INNOVATIONS MANAGEMENT ASSOCIATION NPC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following categories of records are automatically available for inspection, purchase, or photocopying:

Category of records	**Types of the Record**	Available on Website	Available upon request
General Information	Member Notices	**X**	
General Information	FAQ	**X**	
General Information	PAIA	**X**	
General Information	POPIA Manual	**X**	
General Information	Club Destinations	**X**	

7. DESCRIPTION OF THE RECORDS OF AFRICAN CLUB INNOVATIONS MANAGEMENT ASSOCIATION NPC WHICH ARE AVAILABLE UNDER ANY OTHER LEGISLATION

Category of Records	**Applicable Legislation**
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Memorandum of Incorporation	Companies Act 71 of 2008
Use Agreements of Resorts	Promotion of Access to Information Act 2 of 2000
Client Personal Information	Protection of Personal Information Act 4 of 2013

Any other information held under the following legislation, if applicable from time to time;

1. Basic Conditions of Employment Act 75 of 1997;'
2. BBBEE Act 53 of 2003;
3. Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
4. Consumer Protection Act 68 of 2008;

5. Deeds Registries Act 55 of 1998;
6. Electronic Communications and Transactions Act 25 of 2002;
7. Employment Equity Act 55 of 1998;
8. Income Tax Act 58 of 1962;
9. Labour Relations Act 66 of 1995;
10. Occupational Health and Safety Act 85 of 1993;
11. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
12. Securities Transfer Tax Act 25 of 2007;
13. South African Revenue Services Act 34 of 1997;
14. Skills Development Act 97 of 1998;
15. Skills Development Levies Act 9 of 1999;
16. Transfer Duty Act 40 of 1949;
17. Unemployment Contributions Act 4 of 2002;
18. Unemployment Insurance Act 63 of 2001;
19. Value Added Tax Act 89 of 1991

8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY AFRICAN CLUB INNOVATIONS MANAGEMENT ASSOCIATION NPC

**The subjects on which the business holds records and the categories on each subject area are listed below. Please note that a requestor is not automatically allowed access to these records (if available or applicable) and that access to them may or must be refused under Section 62 to 69 of The Act.*

Subjects on which the body holds records	Categories of records
Accounting Records	• Annual Financial Statements and working papers • General ledger • Subsidiary ledgers (receivables, payables, etc.) • Bank statements • Tax returns and assessments • VAT returns • Budgets • Investment records • Auditor's reports
Legal Agreements and Contracts	• Agreements with contractors, suppliers, and clients • Complaints, pleadings, briefs, and other documents about actual, pending, or threatening litigation, arbitration, or investigations • Sale agreements for members

Subjects on which the body holds records	Categories of records
Statutory Company Records	• Annual Statutory returns • Certificate of Incorporation • Director's attendance register • Index of Members • Memorandum of Incorporation • Notice and minutes of member meetings • Minutes of directors' meetings • Minutes of audit committee meetings • Minutes of directors' committee meetings • Proxy documents • Register of company secretary and auditors • Register of directors and officers • Registration Certificate • Reports presented at Annual General Meeting • General resolutions • Special resolutions • Rules and Resolutions • Member register • Minute books • Resolutions passed at meetings
Tax	• Income tax returns • Provisional tax returns • Tax assessments • VAT documents

9. PROCESSING OF PERSONAL INFORMATION

9.1. Purpose of Processing Personal Information

African Club Innovations Management Association NPC (hereinafter the "**Operator**") business is to operate a Share Blocks Scheme (hereinafter the "**Company**") in respect of the property owned by the Company by the Share Blocks Control Act and the Property Time-Sharing Control Act, in terms whereof a Shareholder(s) (hereinafter the "**Data Subject**") is entitled to use specified parts of the property/building(s) by the Use Agreement entered into by and between the Data Subject and the Company.

It is in terms of this contractual relationship that the Company has legally obtained [with consent] the personal information of the Data Subject. In execution of the Company's contractual obligations towards the Data Subject, the Company has appointed the Operator and its personnel in an administrative capacity to execute

various functions on behalf of the Company, which required the Company to share personal information with the Operator. Such functions include but are not limited to *inter alia* the following;

- Liaising with the data subject concerning his/her/its timeshare portfolio and related matters;
- Liaising with the Company officials concerning corporate governance-related matters;
- Liaising with service providers concerning operational requirements;
- Liaising with government organisations concerning any legislative requirements.

In this respect, the Company has entered into an Operators Agreement with the Operator as is required in terms of *Section 21(1)* of the POPIA, which will ensure the safe processing and safeguarding of the Data Subject's personal information by the Operator.

The Operator also employs various employees, who are data subjects, to fulfil its contractual mandate with the Company. The personal information of such employees is collected as part of its employment contract with the Operator and similarly safeguarded as required in terms of the POPIA.

9.2. **Description of the categories of Data Subjects and the information or categories of information relating thereto**

Categories of Data Subjects	Personal Information that may be processed
Members	Name and surname, address, telephone number, email address, identity number, registration number and bank details.
Service Providers	Name and surname, registration number, vat number, address, telephone number, email address, and bank details.
Non-executive Directors	Name and surname, address, telephone number, email address, identity number.

9.3. **The recipients or categories of recipients to whom the personal information may be supplied**

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Credit and payment history, for credit information	Credit Bureaus

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Non-Executive Director's Name and surname, address, telephone number, email address, identity number.	Managing Agent and their 3rd party suppliers
Name and surname, address, telephone number, email address, identity number, registration number, and bank details.	Managing Agent and their 3rd party suppliers

9.4. **Planned transborder flows of personal information**

Client information as reflected on a "Guest Certificate" is sent (via email) cross border to resorts situated in Botswana and Kenya should client's make bookings in the respective Countries respectively as part of the booking confirmation process. Both these jurisdictions have adopted Data Privacy legislation in the form of the *Botswana Data Protection Act, 2018* and *Kenya Data Protection Act, 2019* which provide adequate levels of protection and effectively upholds the principles for the lawful processing of information as required in terms of South Africa's *Protection of Personal Information Act, 2013*.

9.5. **General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information**

Various security safeguard measures have been adopted as is required in terms of *Section 19* of the POPIA to ensure the confidentiality and integrity of the personal information that is collected. Such measures include;

- Data Encryption;
- Anti-virus and Anti-malware Solutions;
- Firewalls;
- Password protections;
- Access controlled servers

The adoption of:

- IT Use and Security Policy;
- Employee Privacy Policy;

- Data Breach and Reporting Policy

10. REQUESTING PROCEDURE

Even though the purpose of the Act is to give effect to the Constitutional Right of having access to information held by a public or private body, access to records may be refused if disclosure would constitute an action for breach of the duty of secrecy owed to a third party or is prohibited by the Act.

An applicant who has provided adequate proof of identity wanting access to the records must complete the necessary request **Form 2** that is available at the offices of **African Club Innovations Management Association NPC** or can be accessed on https://inforegulator.org.za/paia-forms/. The completed request form must be sent to the address, e-mail or fax number provided in this manual and marked for the attention of the Information Officer. The requesting party must state the reason for wanting the information and must pay the prescribed fee in terms of Section 23(1)(b)(ii) of POPIA.

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is required. In such a case the requested will be notified of the extension as well as the reason therefore.

The Information Officer will inform the requester of the decision and the fees payable (if applicable) on a form that corresponds substantially with the one required in terms of the PAIA regulation.

The decision of the information officer is final and there is no internal appeal procedure that can be followed after a request to access information has been refused. In the event that the requestor is not satisfied with the decision he/she/it can apply to the Information Regulator or a court of competent jurisdiction (depending on the requirements of the matter and the rules of the regulator / the court) to take the matter further.

The abovementioned review process must be filed within the time periods specified the required time limits of the relevant statutory body.

11. AVAILABILITY OF THE MANUAL

11.1. A copy of this Manual is available, -

11.1.1. on https://www.africanclubinnovations.co.za/

11.1.2. at the head office of the Managing Agent for public inspection during normal business hours;

11.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

11.1.4. to the Information Regulator upon request.

11.2. A fee for a copy of this Manual, as contemplated in Annexure B of the Regulations, shall be paid per each A4-size photocopy made.

12. UPDATING OF THE MANUAL

The head of African Club Innovations Management Association NPC will regularly update this manual.

13. ISSUED BY

**According to Section 51 of the Promotion of Access to Information Act, 2 of 2000 – This manual should be duly signed by the appointed Information officer.*

Charlene van den Berg	
Name of Information Officer	**Signature of Information Officer**
Management - Managing Agent	
Title of Information Officer	
30 May 2024	
Date updated	