



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

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Ref: CM 29/23

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Direct Tel: 010 023 5287

Date: 20 June 2023

The Head of Private Body

DE TIJGER ESTATE HOME OWNERS ASSOCIATION

40 Chantelle Street

De Tijger

Parow

7500

Email: roots2@gmail.com / reception@dtst.co.za

Dear Sir/Madam

DECISION WITH REGARDS TO CONDUCTING AN ASSESSMENT IN TERMS OF SECTION 77H (1) OF PAIA READ WITH REGULATION 14(3) OF THE PROMOTION OF ACCESS TO INFORMATION ACT REGULATION, 2021

- 1.1 The Information Regulator (“Regulator”) is empowered, in terms of section 77H (1) of the Promotion of Access to Information Act 2 of 2000 (PAIA), read with sub-regulation 14(2) of Regulations relating to the Promotion of Access to Information, 2021 (“PAIA Regulations”), to conduct compliance assessments on its own initiative or upon request, of whether a public or private body generally complies with the provisions of PAIA insofar as its policies and implementation procedures are concerned.
- 1.2 In its endeavour to promote voluntary compliance and enforce compliance with the provisions of PAIA, particularly the promotion of access to information by public and private bodies, the Regulator assesses compliance by public and private bodies.
- 1.3 The Regulator received a complaint from Francois Jerome van der Meulen who alleged that the head of De Tijger Estate Home Owners Association failed to comply with section 56(1) of PAIA, in that their request for access to a PAIA Manual was not

attended to in accordance with section 56 of PAIA. In terms of section 77H(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) the Regulator has, after taking all the relevant information into consideration, decided to proceed with an assessment.

- 1.4 Pre-Assessment on your compliance with PAIA was conducted on your institution, particularly your compliance with section 51 (3) of PAIA, which requires a private body to make its section 51 Manual available on its website. Upon inspection on 20 June 2023, it has been noted that your PAIA Manual was not made available on the body's website.
- 1.5 It is therefore in this regard that the Information Regulator requests a copy of your current PAIA Manual, as stipulated in section 51(3)(d) of PAIA, and designation/delegation of Deputy Information Officer(s) letter. The requested manual and letter must be submitted on or before **30 June 2023** for the attention of Ms. Sewela Seshoeni at SSeshoeni@infoRegulator.org.za.
- 1.6 Kindly note that the manual will be assessed for compliance with section 51 of PAIA using a hybrid approach and therefore your full cooperation will be critical to arrange for any further interaction with the Regulator.

Should the body fail to submit the manual as requested above, the Regulator will proceed to compile a report with the findings and invoke its enforcement powers as set out in section 77(J).

The Regulator requests your cooperation during this process.

Please do not hesitate to contact our office should you require further information.

Yours faithfully,



Ms. Nokwanda Molefe

Manager: PAIA

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Ms. A Tilley (Part-time Member), Mr. M Gwala (Part-time Member).