



**THE NHBRC ACCESS TO
INFORMATION MANUAL IN
TERMS OF SECTION 14 (1) OF
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000
(ACT NO. 2 OF 2000)**

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) herein after referred to as “the Act”, was enacted on 9th March, 2001, The Act gives effect to the Constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information,(provided that the information does not fall within categories of information expressly protected by the Act).

Section 14 of the Act obliges public bodies to compile a manual which will assist a person to obtain access to information held by the public body. The Act further stipulates the requirements that the manual must comply with.

This manual is intended to foster a culture of transparency and accountability within the National Home Builders Registration Council (NHBRC) by giving effect to the right of access to information. The NHBRC recognises the importance of ensuring that the public is empowered and understand their rights in terms of the Act.

Section 9 of the Act recognises that a right to access to information is not unlimited and should be subject to justifiable limitations, including but not limited to :

- (i) limitations aimed at the reasonable protection of privacy;
- (ii) commercial confidentiality;
- (iii) effective, efficient and good governance,

in a manner that balances that rights with any other rights, including such rights contained in the Bill of Rights in the Constitution.

2. PURPOSE

This manual aims to provide the requester, with the necessary information pertaining to the NHBRC, for example, contact details and the procedures to follow in order to request specific information from the NHBRC.

The manual further gives an overview of the NHBRC’s organisational structure, its functions and the services it provides to assist the requester to identify the existence or non-existence of information required.

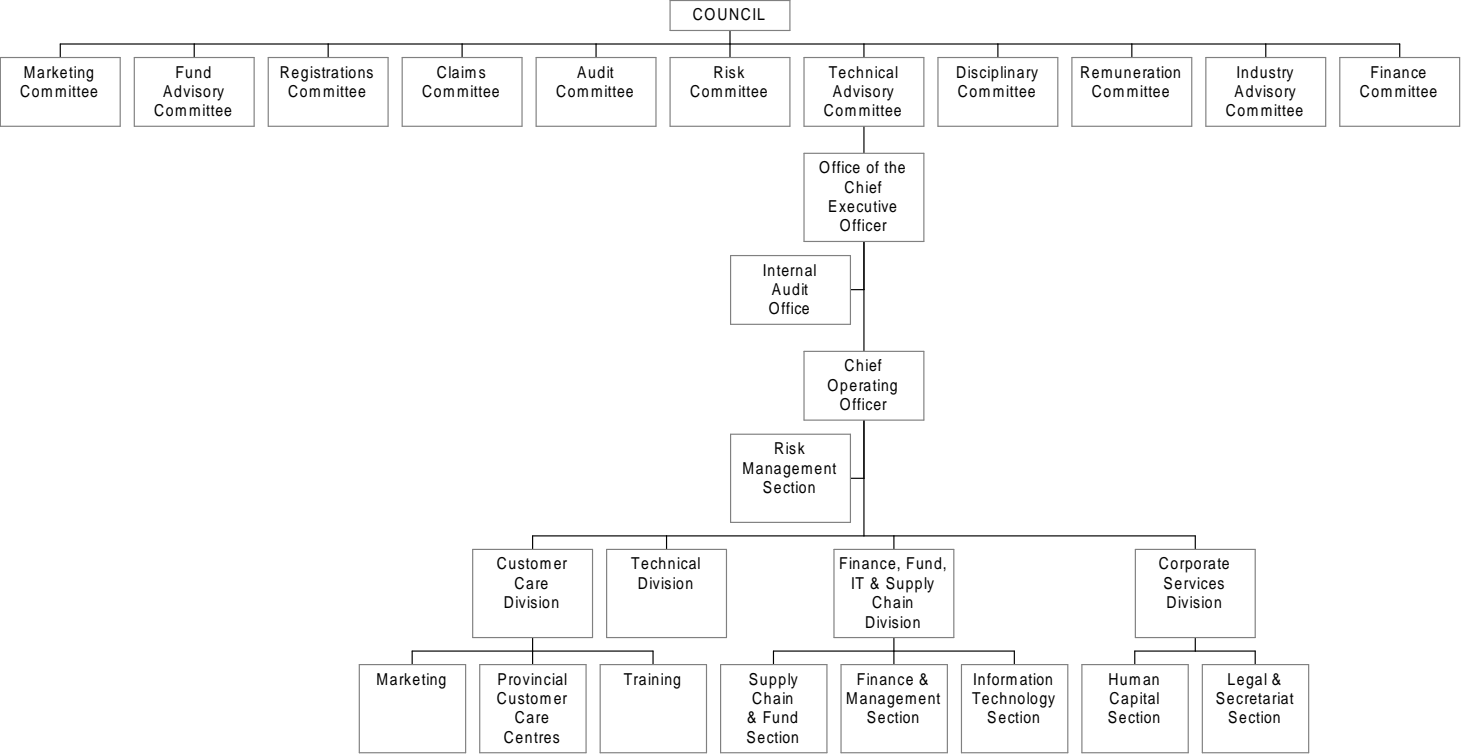
The manual also provides the required forms and table of applicable fees to be used when a request is made.

3. PARTICULARS IN TERMS OF SECTION 14

FUNCTIONS AND STRUCTURE OF NHBRC (Section 14(i)a)

- (i)** The function of the NHBRC as prescribed in the Housing Consumers Protection Measures Act No 95 of 1998 as amended is mainly to regulate the home building industry and to protect the interests of housing consumers.
- (ii)** A schematic diagram of the organisational structure of the NHBRC is shown on the next page.

ORGANISATIONAL STRUCTURES



4. THE STRUCTURE OF NHBRC

The NHBRC consists of a Central Office situated in Bryanston, Gauteng and nine Provincial Customer Care Centres that are situated in the Gauteng, Free State, Northern Cape, North West, Western Cape, Eastern Cape, KwaZulu Natal, Mpumalanga and Limpopo Provinces respectively.

5. CONTACT DETAILS (Section 14(i)(b))

(i) Information office : Mr. Phetola Makgathe – Chief Executive Officer.

(ii) Deputy Information Officer : Kgomotso Mahlobo - Chief Operating Officer.

General information :

Address : Phase 4
Medscheme Building
10 Muswell Road South
Bryanston
Gauteng

Postal Address : P.O. Box 461
Randburg
2125

Telephone : 011.317.0000

Fax : 011.317.0141

Website : www.nhbrc.org

6. SOUTH AFRICAN HUMAN RIGHTS GUIDE

In terms of section 10 of the Act, the Human Rights Commission is required to compile a guide to the Act to assist people to exercise their rights under the Act. This guide will be made available in Zulu, Setswana, and English.

The Human Rights Commission may be contacted at :

Address : PAIA Unit
Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone : 011.484.8300

Fax : 011.484.1360

- **Website :** www.sahrc.org.za

- Council and various committees members

National awards

E-mail : PAIA@sahrc.org.za

7. ACCESS TO THE RECORDS HELD BY NHBRC, Section 14(i)(d)

I. Automatic disclosures [Section 14(i)(e)] and Section 15 (2)

The following information and records are available on the NHBRC website:

- How to register with the NHBRC
- Strategic corporate plan
- Enrolment process
- Provincial offices and contact details
- Property search procedure
- Builders newsletter
- Annual report
- Brochures for Housing Consumers and Home Builders

II. Records that may be requested :

(a) CEO's Office

- Council information (council members, committees, etc.)
- Strategic Corporate plans
- Stakeholders (banks, institutions, etc.)
- Warranty fund and regulatory information

(b) Technical Division

- Building manual
- Technical standard
- Inspection reports
- Registered home builders
- Deregistered home builders
- Suspended home builders
- Number of houses enrolled annually
- Late enrolments
- Code of ethics for home builders
- Conciliation reports
- Remedial works undertaken by the home builders
- Remedial works undertaken by NHBRC
- Customer care (complaints)
- Claims against the fund
- Owner builder applications
- Grading system for home builders

(c) Corporate Services Division

(i) Human Capital

- Conditions of Service
- Human capital policies and procedures
- Performance management systems
- Employment Equity plan
- Employment contracts
- Human resource development strategy
- Job evaluations and gradings

(ii) Legal and Secretariat Services

- Litigation (court cases)
- Legislation administered and affecting NHBRC
- Contracts (entered into with NHBRC)
- Legal opinions
- Records of disciplinary hearings (for non compliance with the Act)
- Minutes of Council and Committee meetings
- Arbitrations

(d) Customer Care and Marketing

- Promotions
- Media briefings and press releases
- Annual reports
- Newsletters and Builders bulletin
- Information on National awards

(e) Finance and Information Technology Division

(i) Finance

- Budgets
- General ledgers
- Annual financial statements
- Actuarial report
- Assets register
- Procurement policy
- MTEF
- Investment strategy

(ii) Information Technology

- JD Edwards system

(f) Internal Audit

- Risk management report
- Internal Audit files
- Fraud prevention strategies

(g) Risk Management

- OHS Report
- Actuarial Assessment Report

8. THE REQUEST PROCEDURE

A requester must be given access to a record of a public body if a requester complies with the following :

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record, and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

9. NATURE OF THE REQUEST

- A requested must use the form that has been printed in the Government Gazette [Government Notice R187 dated 15th February, 2002] (Form A).
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and view the record at the offices of the NHBRC. Alternatively, if the record is not a document, it can then be viewed in the requested form, where possible [section 29(2)]
- If a person asks for access in a particular form then the requester should get access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the NHBRC, or damage the record, or infringe the copyright not owned by NHBRC.

If for practical reasons access cannot be given in the required form but in an alternate manner, access will be given in that alternate manner provided that the fee charged may not exceed what would have been charged if the requester had been given access in the form requested [section 29(4)].

- If, in addition to a written reply to their request for the record, the requester wishes the reply to their request to be communicated in other ways, e.g. telephone or e-mail, then this must be indicated.
- If the requester is asking for information on behalf of somebody else, the capacity in which the request is being made should be indicated [section 18(2)(f)].
- If a requester is illiterate and is unable to make a request for access to a record held by NHBRC in accordance with section 18z(1) of the Act, then the request may be made orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [section 19(3)].

10. FEES PAYABLE FOR A REQUEST

There are two types of fees required to be paid in terms of the Act, being the request and access fees.

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester who is not a personal requester must pay the required fee. The process is as follows :

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee before processing the request.
- The request fee payable to public bodies is R35.00. The requester may lodge an internal appeal, where appropriate, or an application to the Court against the tender or payment of a fee.
- After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- Access to a record will be withheld until all the applicable fees have been paid.

Fees in respect of Public Bodies

For purposes for section 22(2) of the Act, the following applies:

DESCRIPTION		AMOUNT (R)
The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2)		35.00
Copy of the manual as contemplated in regulation 5(c) (for every photocopy of an A4-size page or part thereof)		0.60
The fees for reproduction referred to in regulation 7(1) are as follows :		
1.	For every photocopy of an A4-sized page or part thereof	0.60
2.	For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine	0.40
3.	For a copy in a computer-readable form on	
	a) Stiffy disc	5.00
	b) Compact disc (readable form)	40.00

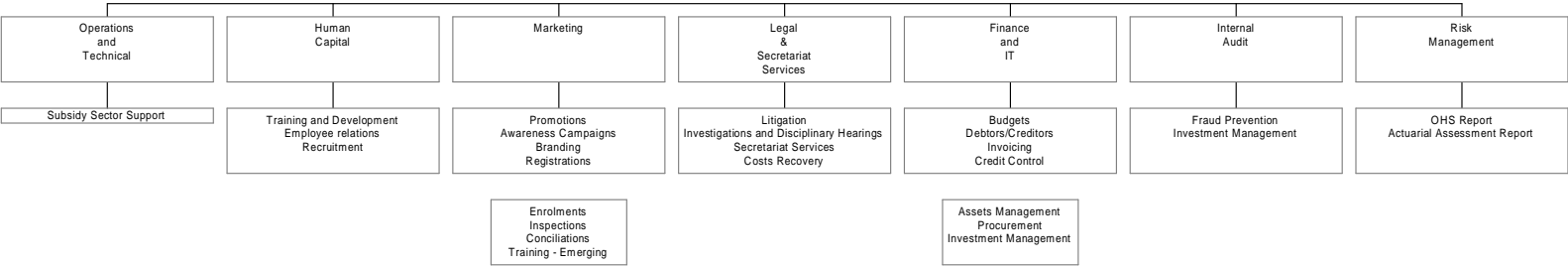
4.	For a transcription of visual images	
	a) For an A4-size page or part thereof	22.00
	b) For a copy of visual images	60.00
5.	For a transcription of an audio record	
	a) For an A4-size page or part thereof	12.00
	b) For a copy of an audio report	17.00
The access fees payable by a requester referred to in regulation 7(3) are as follows :		
1.	For every photocopy of an A4-size page or part thereof	0.60
2.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	0.40
3.	For a copy in a computer-readable form on :	
	a) Stiffy disc	5.00
	b) Compact disc	40.00
4.	For a transcription of visual images, for an A4-size page or part thereof	22.00
5.	For a copy of visual images	60.00
6.	For a transcription of an audio record,	
	a) For an A4-size page or part thereof	12.00
	b) For a copy of an audio record	17.00
To search for an prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.		
The actual postage is payable when a copy of a record must be posted to a requester. Postage cost is dependent on the relevant tariff in terms of postage destination.		

11. SERVICES AVAILABLE

(I) NATURE OF SERVICES

The services of NHBRC are listed in the attached schedule and are classified according to divisions and sections, which fulfil the NHBRC's functions.

NHBRC SERVICES



(ii) HOW TO GAIN ACCESS TO NHBRC'S SERVICES

To gain access to the services of NHBRC, particularly those listed under Operations and Technical, requests must be made to the Chief Executive Officer, Phetola Makgathe.

Address : Phase 4
Medscheme Building
10 Muswell Road South
Bryanston

Postal Address : P.O. Box 461
Randburg
2125

Telephone : 011.317.0006
Fax : 011.317.0141
E-mail : phetolam@nhbrc.org

12. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICIES AND EXERCISE OF POWERS

(I) Policy and legislation:

NHBRC through the Department of Housing engages the public by inviting comments on published white papers and proposed legislation.

(ii) NHBRC is also comprised of various committees of the Council with members from different institutions serving in respective committees to guide the Council and to safeguard the interests of the public, and to ensure corporate governance.

13. REMEDIES AVAILABLE IF THE PROVISIONS OF THIS ACT ARE NOT COMPLIED WITH [Section 14(i)(h)]

The internal appeal authority for purposes of this Act is the Chairman of the Council. If after exhausting the internal appeal route the applicant is still unhappy, they may lodge a further appeal with a court of law.

14. MANNER OF APPEAL AND APPEAL FEES

(I) An appeal must be lodged in the prescribed form :

- Within 60 days;
- If notice to a third party is required, within 30 days after notice is given of the decision appealed against; or
- If notice to the appellant is not required, after the decision was taken it must be delivered or sent to the information officer of NHBRC at his address, fax number or electronic mail address all of which appear in this manual;
- The appeal must identify the subject of the appeal and state the reason for the internal appeal and may include any other relevant information known to the appellant;

- If in addition to a written reply, the appellant wishes to be informed of the decision on the appeal in any other manner, they must state that manner and provide the necessary particulars to be so informed;
 - If applicable the appeal must be accompanied by the prescribed appeal fee, and must specify the appellant's postal address or fax number.
- (ii) If an appeal is lodged after the period referred to, the appeal authority must, upon good cause shown, allow the late filing of the appeal.
- (iii) If the appeal authority disallows the late filing of the appeal, he must give notice of that decision to the appellant.
- (iv) Within ten (10) working days after receipt of an appeal, or as soon as reasonably possible the information officer must submit to the relevant authority;
- The appeal together with their reasons for the decision.
 - If the appeal is against the refusal of a request to access to information, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

15. OTHER INFORMATION PRESCRIBED BY THE ACT

(I) Availability of the manual

Regulation No. R187 of 15th February, 2002 prescribed in section 4(1) that a manual of a public body must be made available in the following manner:

- A copy in each of three official languages must be available to every place of legal deposit as defined in section 6 of the Legal Deposits Act, 1997, the South African Human Rights Commission and every office of that public body.
- (ii) This manual will be available at NHBRC's Central Office and all its nine Provincial offices, and will be published in the Government Gazette in three official languages.
- (iii) This manual will also be available on NHBRC's website.

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act. No. 2 of 2000)

[Regulation 2]

FOR NHBRC USE

Reference Number

Request received by (state rank, name and surname of information officer/deputy information officer (date) at (place)

Request fee (if any) : R

Deposit (if any) : R

Access fee : R

A.

SIGNATURE OF INFORMATION OFFICER/DEPUTY
INFORMATION OFFICER

B.

- (a) The particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (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 to 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 to be paid as the request fee.

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"					
<p>NOTES :</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>					
1. If the record is in written or printed form -					
	Copy of record*			Inspection of record	
2. If the 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 of 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 of transcription of a record (above, do you wish the copy or transcription to be posted to you? A postal fee is payable	YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record?		

G. 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 thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with our request.

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

Signed at _____ on this _____ day of _____ 200 ____

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