



## PAIA MANUAL

Compiled in terms of the provisions of the

***PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
(ACT 2 OF 2000) – (as amended)***

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## 1. INTRODUCTION

The **Promotion of Access to Information Act**, as its primary object, gives effect to the constitutional right of access to information as contemplated by the Bill of Rights in chapter 2 of the **Constitution of the Republic of South Africa**. This includes within limits, access to information held by the Municipality, the state and any other person.

Secondly, it also gives effect to the constitutional obligations of the state to promote a human rights culture and social justice and to enable persons access to records as swiftly, inexpensively and effortlessly as reasonably possible.

Thirdly, the Act strives to promote transparency, accountability and effective governance by helping people to understand their rights and to exercise them; to understand the functions and operation of public bodies, like the Municipality and to effectively participate in decision-making that affects their rights.

What should be clearly understand, is that rights cannot be indiscriminately exercised to the detriment of the rights of other people. Each of us, including the Municipality, also has a responsibility to protect the rights of others while exercising our rights. The Act therefore makes provisions for checks and balances in the accessing of information.

The right of access to information is not absolute, in other words it cannot be regarded as unlimited. The Constitution provides that even fundamental human rights may be limited. The provisions of the Act serve as such a limitation. A study of the Act will however show that the limitations are rather the *exception*, whilst allowing access is the *rule*, provided obviously that the prescribed procedures have been met.

The Act also provides for remedies where people experience problems in accessing information, in the form of appeals that may be lodged with the Information Regulator with regard to the payment of fees, form of access and if information is unreasonably withheld.

The above is a short description of the objects of the Act. The full text of the Act may be seen at the office of any deputy information officer. The contact details of deputy information officers are listed elsewhere in this manual.

The manual was prepared in accordance with section 51 of the Act and to address requirements of the Protection of Personal Information Act, 2013 (Act 4 of 2013). The purpose of the manual is to gain a better understanding of the municipality's functions, the services it renders and to explain in easily comprehensible form how to go about to access information held by the Municipality. If the reader still requires further information on how to exercise his or her rights, the deputy information officers will gladly assist.

The manual may also be inspected at any of our municipal officers and on our website, [www.swartland.org.za](http://www.swartland.org.za).

**J J SCHOLTZ**  
Information Officer

## 2. DEFINITIONS

“**Access fee**” means a fee prescribed for the purpose of section 22(6);

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“**Data subject**” means the person to whom personal information relates;

“**Deputy Information Officer**” means the designated individual in the public body who is responsible for assisting the Information Officer with PAIA Requests;

“**Guide**” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (**PAIA**) and the Protection of Personal Information Act, 2013 (Act 4 of 2013) (**POPIA**), as contemplated in section 10 of PAIA;

“**Human Rights Commission**” means the South African Human Rights Commission (SAHRC) referred to in section 181(1)(b) of the Constitution;

“**Information Officer**” means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such;

“**Information Regulator**” means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013 and regulates both PAIA and POPIA;

“**Internal appeal**” means an internal appeal to the relevant authority in terms of section 74;

“**Minister**” means the Cabinet member responsible for the administration of justice;

“**Municipality**” the Municipality of Swartland established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or subdelegated to such political structure, political office bearer, councillor, agent or employee;

“**PAIA**” means the Promotion of Access to Information Act, 2000 (Act 2 of 2000) as amended, including any regulation made and in force in terms of section 92.

“**Person**” means a natural person or a juristic person;

“**Personal Information**” means information relating to an identifiable natural person, including, but not limited to –

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of

- the person;
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
  - (d) the biometric information of the person;
  - (e) the personal opinions, views or preferences of the person;
  - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - (g) the views or opinions of another individual about the person; and
  - (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;

**“Personel requester”** means a requester seeking access to a record containing personal information about the requester;

**“POPIA”** means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) as amended, including any regulation made and in force in terms of section 112;

**“Record”** means any recorded information –

- (a) regardless of form or medium;
- (b) in the possession or under the control of the Municipality; and
- (c) whether or not is was created by the Municipality;

**“Request for access”** means a request for access to a record in terms of section 11;

**“Responsible party”** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

**“The Act”** means the Promotion of Access to Information Act, 2000 (Act 2 of 2000) as amended, including any regulation made and in force in terms of section 92.

**“Third party”**, in relation to a request for access to –

- (a) a record of the Municipality, means any person (including, but not limited to, the government of a foreign state, an international organization or an organ of that government or organization) other than the requester concerned;

### **3. PURPOSE OF THE PAIA MANUAL**

The PAIA manual is useful to the public to –

- 3.1** check the nature of the records which may already be available at the Municipality, without the need for submitting a formal PAIA request;
- 3.2** understand how to make a request for access to a record of the Municipality;

- 3.3 obtain all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 3.4 obtain all the remedies available from the Municipality regarding a request for access to the records, before approaching the Information Regulator or the Courts;
- 3.5 obtain a description of the services available to members of the public from the Municipality and how to gain access to those services;
- 3.6 obtain a description of the Guide how to use PAIA, as updated by the Information Regulator and how to obtain access to it;
- 3.7 know if the Municipality will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know if the Municipality 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;
- 3.9 know whether the Municipality has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

#### **4. ESTABLISHMENT OF THE SWARTLAND MUNICIPALITY**

Swartland Municipality (WC015) was established in terms of Sections 12 and 14 of the Structures Act (Act 117 of 1998) with effect from 5 December 2000 by means of Provincial Notice 5589 dated 22 September 2000.

##### **4.1 OBJECTIVES OF LOCAL GOVERNMENT**

The municipality derives its powers from the Constitution and in terms of section 152 of the Constitution –

- (1) The objects of local government are –
  - (a) to provide democratic and accountable government for local communities;
  - (b) to ensure the provision of services to communities in a sustainable manner;
  - (c) to promote social and economic development;
  - (d) to promote a safe and healthy environment; and
  - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

The powers of municipalities in the non-metropolitan areas are divided between local and district municipalities. The Local Government: Municipal Structures Act ('Structures Act') regulates the division of powers between these two municipalities.

Apart from those mentioned, the municipality also has other very important powers, namely:-

- powers assigned to the municipality by other spheres of government or performed by the municipality as an agent;
- fiscal powers in terms of the Constitution;
- powers associated with legal personality; and
- civic powers

#### 4.2 The municipality has the following powers:

##### 4.2.1 In terms of section 84 of the Structures Act

Integrated development planning  
 Potable water supply systems  
 Bulk supply of electricity  
 Domestic waste-water and sewage disposal systems  
 Municipal health services  
 Local roads  
 Local municipal airports  
 Local firefighting services  
 Local fresh produce markets  
 Local cemeteries  
 Air pollution  
 Local tourism

##### 4.2.2 Balance of powers in terms of Part B of Schedule 4 of the Constitution

Air pollution  
 Building regulations  
 Child care facilities  
 Municipal planning  
 Municipal public works  
 Pontoons, ferries and jetties  
 Trading regulations

##### 4.2.3 Balance of powers in terms of Part B of Schedule 5 of the Constitution

Billboards and display of adverts in public places  
 Cleansing  
 Control of public nuisances  
 Control of undertakings that sell liquor to the public  
 Facilities for the accommodation, care and burial of animals  
 Fencing and fences  
 Licensing of dogs  
 Licensing and control of undertakings that sell food to the public  
 Local amenities  
 Local sport facilities  
 Markets (local)  
 Municipal abattoirs (local)  
 Municipal parks and recreation  
 Noise pollution  
 Pounds  
 Public places  
 Refuse removal  
 Street trading  
 Street lighting  
 Traffic and parking

##### 4.2.4 Powers assigned by or as agent of other spheres of government

Ambulance services  
 Libraries  
 Museums  
 Sport  
 Disaster management  
 Housing

Vehicle and driver's licensing  
Welfare services

#### 4.2.5 Fiscal powers in terms of the Constitution

Imposition of rates on property and surcharges on fees for services  
Imposition of other taxes, levies and duties authorised by national legislation

#### 4.2.6 Powers related to Legal Personality

Acquisition and leasing of movable and immovable property  
Alienation and letting of movable and immovable property  
Granting of rights in, on or over property  
To institute or defend legal action

#### 4.2.7 Civic Powers

Entering into twinning agreements with towns abroad  
Granting of civic honours

## 5. DESCRIPTION OF STRUCTURE

The structure of the municipality relates to its political as well as administrative nature. The political structure relates to the structures such as committees and the various political office bearers such as the speaker and executive mayor. The administrative structure refers to the various departments, divisions and sections designed to enable the municipal manager and staff to effectively perform the functions and execute the powers of the municipality.

### 5.1 POLITICAL STRUCTURE



#### 5.1.1 Council

The council is the supreme structure of the municipality and consists of 23 (twenty three) members, i.e. 12 (twelve) representing wards and 11 (eleven) proportional members, elected during November 2021.



The council is the legislative as well as executive authority of the municipality.

The council meets quarterly in the Banqueting Hall, Church Street, Malmesbury. Meetings start at 10:00. For more information about the dates on which council meetings take place see our website or please contact any municipal office.

### **5.1.2 Executive mayoral committee**

The executive mayoral committee assists the executive mayor in exercising and performing the executive mayor's powers and functions as designated by the council. It comprises the executive mayor, the deputy executive mayor and four full-time councillors.

The executive mayoral committee normally meets monthly in the Banqueting Hall, Church Street, Malmesbury. Meeting times may vary due to circumstances. For more information see our website or please contact any municipal office.

### **5.1.3 Committees**

The council has established a further 4 (four) committees to assist it in the effective and efficient performance of its functions and exercise of its powers. Each committee has (i) a specific functional area and a few (ii) sub-committees, and are named as follows:-

#### **Municipal Manager, Administration and Finance**

- (i) Demarcation and elections, strategic services, internal audit, risk management, performance management, legal services, administration, records management, secretariat services and ward committees, public affairs, property management, contract administration, communication and client services, libraries, halls, tourism (museums and monuments), publicity and information (e.g. newsletters), fleet management, asset and store management, budget, income and expenditure control, credit control/debt collection, financial services, insurance, local economic development
- (ii) Labour Relations Forum / Appointment Committee / Employment Equity Committee / Training Committee / Regional Tourism Organisation / Asset and Fleet Management Committee / Liquor Committee / Museum Committees (in various towns) / Bid committees

#### **Technical Services (Civil and Electrical)**

- (i) Electricity, radio communication, information technology and data management (including GIS), water, sewerage, roads, streets and stormwater, parks and amenities, buildings (new and maintenance), cemeteries, planning: civil services, sanitation (refuse removal, public toilets, etc.), sport and recreation (sports facilities, etc.)
- (ii) Highlands Landfill Site Audit Committee / Computer Committee / Sport Committees (in various towns) / Funeral Undertakers Forum

#### **Development Services**

- (i) Social services and welfare (e.g. indigent relief), housing (needs assessment), housing administration and rental housing, community development and capacity, caravan parks, occupational health and safety, spatial development planning (regional and local), town planning and land use control, nature conservation, GIS-management, property valuations, building control
- (ii) Housing Committee / Occupational Safety Committee / Municipal Planning Tribunal

#### **Protection Services**

- (i) Fire and protection services (disaster management, neighbourhood watch, etc.), law enforcement, informal trade, traffic services, permits (fun runs, races, processions, fundraising), taxis and public transport, control over animals, squatter control; community policing (in collaboration with SAPS, etc.)
- (ii) Taxi/Informal Traders Committee / Disaster Management Committee

The committees meet monthly in the Banqueting Hall, Church Street, Malmesbury. Meetings start at 10:00. For more information see our website or please contact any municipal office.

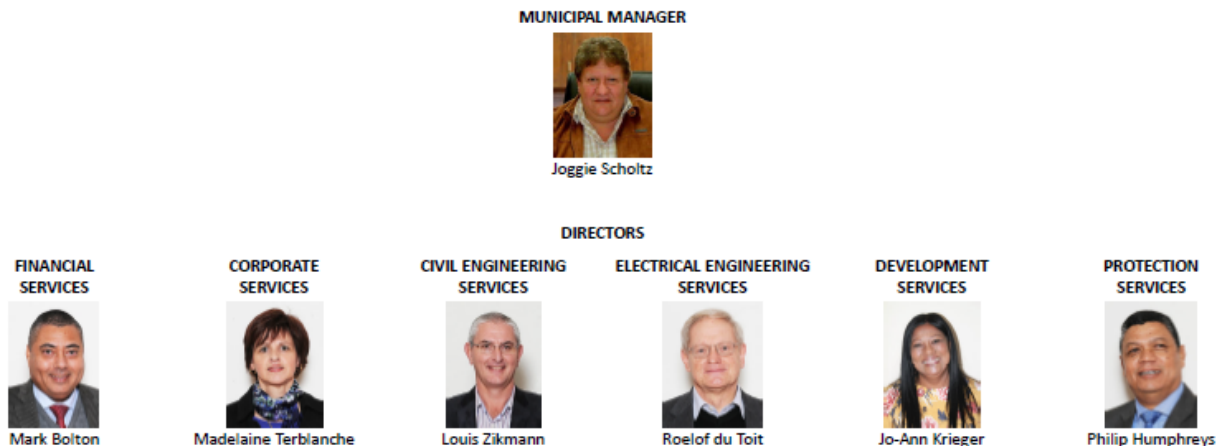
#### 5.1.4 Speaker

The speaker is elected by the council. The speaker is the chairperson of council and ensures that council meets at least once per quarter. The speaker also has express statutory powers; one of the more important powers is to ensure that councillors comply with a code of conduct.

#### 5.1.5 Executive Mayor

The executive leadership of the municipality is vested in the executive mayor. The mayor performs the duties, including ceremonial functions, and exercises the powers delegated to him/her by the council in consultation with the mayoral committee. The executive deputy mayor has the task to assist the mayor and to act in his/her stead when not available.

## 5.2 ADMINISTRATIVE STRUCTURE



The municipal manager is the *'head of administration'* and *'accounting officer of the municipality'* in terms of the Local Government: Municipal Systems Act and also authorised to approve the staff establishment. The staff establishment approved by the municipal manager is based on the following division of functions to departmental heads:

#### 5.2.1 Municipal Manager

Transformation / Audit / Integrated Development Planning / Risk Management / Performance Management

#### 5.2.2 Director: Corporate Services

Legal services / Personnel Services / Client Services / / Tourism / Support Services, i.e. Committee Services, Library Services, Halls and Cleaning Services, Records and Archives

#### 5.2.3 Director: Development Services

Community Development and Housing (including Welfare and Sport) / Planning and Development / Building Control Services

#### 5.2.4 Director: Financial Services

Financial Statements and Control / Expenditure (Creditors/Salaries) / Income (Property rates/Housing/Property valuations/Archives) / Income (Services/Sundries/Meter reading/Statistics/Pre-paid Services) / Asset management / Fleet Management / Credit Control / supply Chain Management

#### 5.2.5 Director: Protection Services

Vehicle Registration, Traffic Control, Vehicle Testing, Drivers' Licences, Law Enforcement / Fire and Emergency Services

#### 5.2.6 Director: Civil Engineering Services

Civil Services, i.e. sewerage, water, streets and stormwater, parks, amenities and street sweeping, cleansing services / Building services (new buildings and maintenance) / Parks and recreation / Sports

#### 5.2.7 Director: Electrical Engineering Services

Design and Planning / Commission, Maintenance and Construction of electricity networks / ICT services

## 6. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

### 6.1 INFORMATION OFFICER

Name: Mr J J Scholtz  
 Designation: Municipal Manager  
 Address: Church Street / Private Bag X52  
 MALMESBURY 7299  
 Telephone no.: (O22) 487 9400  
 Fax no.: (O22) 487 9440  
 E-mail: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

### 6.2 DEPUTY INFORMATION OFFICER

Name: Ms MS Terblanche  
 Designation: Director: Corporate Services  
 E-mail: [MadelaineT@swartland.org.za](mailto:MadelaineT@swartland.org.za)

### 6.3 DEPUTY INFORMATION OFFICER

Name: Ms N Brand  
 Designation: Manager: Secretariat and Records Services  
 E-mail: [NicoletteBrand@swartland.org.za](mailto:NicoletteBrand@swartland.org.za)

### 6.4 DEPUTY INFORMATION OFFICER

Name: Ms S de Jongh  
 Designation: Manager: Human Resources  
 E-mail: [DejonghS@swartland.org.za](mailto:DejonghS@swartland.org.za)

### 6.5 DEPUTY INFORMATION OFFICER

Name: Mr M A C Bolton  
 Designation: Director: Financial Services  
 E-mail: [BoltonM@swartland.org.za](mailto:BoltonM@swartland.org.za)

### 6.6 DEPUTY INFORMATION OFFICER

Name: Mr P Sheldon  
 Designation: Manager: Credit Control  
 E-mail: [SheldonP@swartland.org.za](mailto:SheldonP@swartland.org.za)

### 6.7 DEPUTY INFORMATION OFFICER

Name: Ms J S Krieger  
 Designation: Director: Development Services  
 E-mail: [KriegerJ@swartland.org.za](mailto:KriegerJ@swartland.org.za)

### 6.8 DEPUTY INFORMATION OFFICER

Name: Mr P A C Humphreys  
 Designation: Director: Protection Services  
 E-mail: [HumphreysP@swartland.org.za](mailto:HumphreysP@swartland.org.za)

### 6.9 DEPUTY INFORMATION OFFICER

Name: Mr L D Zikmann  
 Designation: Director: Civil Engineering Services  
 E-mail: [ZikmanL@swartland.org.za](mailto:ZikmanL@swartland.org.za)

## 7. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY

### 7.1 INTERNAL APPEAL - sections 74<sup>1</sup> and 75<sup>2</sup>

#### 7.1.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access;
- pay a fee;
- extend the period to give access.

#### 7.1.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party.

#### 7.1.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (Form 4 attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

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<sup>1</sup> Section 74 of PAIA - (1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1—

(a) to refuse a request for access; or  
 (b) taken in terms of section 22, 26 (1) or 29 (3),  
 in relation to that requester with the relevant authority.  
 (2) A third party may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1 to grant a request for access.

<sup>2</sup> Section 75 of PAIA - (1) An internal appeal—

(a) must be lodged in the prescribed form—  
 (i) within 60 days;  
 (ii) if notice to a third party is required by section 49 (1) (b), within 30 days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken;  
 (b) must be delivered or sent to the information officer of the public body concerned at his or her address, fax number or electronic mail address;  
 (c) must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;  
 (d) if, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;  
 (e) if applicable, must be accompanied by the prescribed appeal fee referred to in subsection (3); and  
 (f) must specify a postal address or fax number.  
 (2) (a) If an internal appeal is lodged after the expiry of the period referred to in subsection (1) (a), the relevant authority must, upon good cause shown, allow the late lodging of the internal appeal.  
 (b) If that relevant authority disallows the late lodging of the internal appeal, he or she must give notice of that decision to the person that lodged the internal appeal.  
 (3) (a) A requester lodging an internal appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any).  
 (b) If the prescribed appeal fee is payable in respect of an internal appeal, the decision on the internal appeal may be deferred until the fee is paid.  
 (4) As soon as reasonably possible, but in any event within 10 working days after receipt of an internal appeal in accordance with subsection (1), the information officer of the public body concerned must submit to the relevant authority—  
 (a) the internal appeal together with his or her reasons for the decision concerned; and  
 (b) if the internal appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified in terms of section 47 (1) of the request.

## 7.2 COMPLAINT TO INFORMATION REGULATOR- sections 77A<sup>3</sup> and 77B<sup>4</sup>

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal, a complaint may be lodged with the Information Regulator.

### 7.2.1 Requester

- A requester may complain to the Information Regulator in respect of:
  - an unsuccessful internal appeal;
  - a disallowed late appeal;
  - a refusal of a request for access to information;
  - a decision about fees;
  - a decision to extend the time to deal with a request; or
  - a decision to provide access in a particular form.

### 7.2.2 Third party

- A third party may complain to the Information Regulator in respect of:
  - an unsuccessful internal appeal,
  - any grant of a request for access to information.

### 7.2.3 Formal

A complaint to the Information Regulator must be made in writing in the prescribed form (Form 5 attached) within **180 days** of the decision giving rise to the complaint.

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<sup>3</sup> Section 77A of PAIA - (1) A requester or third party referred to in section 74 may only submit a complaint to the Information Regulator in terms of this section after that requester or third party has exhausted the internal appeal procedure against a decision of the information officer of a public body provided for in section 74.

(2) A requester—

- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
- (b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);
- (c) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1—
  - (i) to refuse a request for access; or
  - (ii) taken in terms of section 22, 26 (1) or 29 (3); or
- (d) aggrieved by a decision of the head of a private body—
  - (i) to refuse a request for access; or
  - (ii) taken in terms of section 54, 57 (1) or 60, may within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with this Act, to the Information Regulator in the prescribed manner and form for appropriate relief.

(3) A third party—

- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
- (b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of 'public body' in section 1 to grant a request for access; or
- (c) aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body, may within 180 days of the decision, submit a complaint, alleging that the decision was not in compliance with this Act, to the Information Regulator in the prescribed manner and form for appropriate relief.

<sup>4</sup> Section 77B of PAIA - (1) A complaint to the Information Regulator must be made in writing.

(2) The Information Regulator must give such reasonable assistance as is necessary in the circumstances to enable a person, who wishes to make a complaint to the Information Regulator, to put the complaint in writing.

### 7.3 APPLICATION TO COURT - section 78<sup>5</sup>

7.3.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

7.3.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

## 8. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“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.

The Guide is available in each of the official languages.

The aforesaid Guide contains the description of –

- (i) the objects of PAIA and POPIA;
- (ii) the postal and street address, phone and fax number and, if available, electronic mail address of –
  - the Information Officer of every public body, and
  - every Deputy Information Officer of every public body and private body designated in terms of section 17(1)<sup>6</sup> of PAIA and section 56<sup>7</sup> of POPIA;

<sup>5</sup> Section 78 of PAIA - (1) A requester or third party may only apply to a court for appropriate relief in terms of section 82 in the following circumstances:

- (a) after that requester or third party has exhausted the internal appeal procedure referred to in section 74; or
  - (b) after that requester or third party has exhausted the complaints procedure referred to in section 77A.
- (2) A requester—
- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
  - (b) aggrieved by a decision of the relevant authority of a public body to disallow the late lodging of an internal appeal in terms of section 75 (2);
  - (c) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of ‘public body’ in section 1—
    - (i) to refuse a request for access; or
    - (ii) taken in terms of section 22, 26 (1) or 29 (3);
  - (d) aggrieved by a decision of the head of a private body—
    - (i) to refuse a request for access; or
    - (ii) taken in terms of section 54, 57 (1) or 60; or
  - (e) that is aggrieved by any decision of the Information Regulator, may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.
- (3) A third party—
- (a) that has been unsuccessful in an internal appeal to the relevant authority of a public body;
  - (b) aggrieved by a decision of the information officer of a public body referred to in paragraph (b) of the definition of ‘public body’ in section 1 to grant a request for access;
  - (c) aggrieved by a decision of the head of a private body in relation to a request for access to a record of that body; or
  - (d) that is aggrieved by any decision of the Information Regulator, may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82
- (4) An information officer or relevant authority of a public body or the head of a private body, as the case may be, aggrieved by a decision of the Information Regulator in terms of section 77E (2) (b) or (c) may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.

<sup>6</sup> 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.

- (iii) the manner and form of a request for access to a record of a public body contemplated in section 11<sup>8</sup> of PAIA; and
- (iv) the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- (v) the assistance available from the Information Regulator in terms of PAIA and POPIA;
- (vi) 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 –
  - an internal appeal;
  - a complaint to the Information Regulator; and
  - an application with a court against a decision by the information officer of a public body, a decision of internal appeal or a decision by the Information Regulator or a decision of the head of a private body.
- (vii) the provisions of section 14<sup>9</sup> of PAIA requiring a public body to compile a manual, and how to obtain access to a manual;
- (viii) the provisions of section 15<sup>10</sup> of PAIA providing for the voluntary disclosure of categories of records by a public and private body, respectively;
- (ix) the notices issued in terms of section 22<sup>11</sup> of PAIA regarding fees to be paid in relation to request for access; and
- (x) the regulations made in terms of section 92<sup>12</sup> of PAIA.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> Section 14(1) of PAIA- (1) The information officer of a public body must, in at least three official languages.

(3) The manual referred to in subsection (1), or the updated version thereof as referred to in subsection (2) must be made available—

- (a) on the web site, if any, of the public body;
- (b) at the head office of the public body for public inspection during normal business hours;
- (c) to any person upon request and upon the payment of a reasonable amount; and
- (d) to the Information Regulator upon request.

<sup>10</sup> Section 15(1) of PAIA- (1) The information officer of a public body, referred to in paragraph (a) or (b) (i) of the definition of “public body” in section 1, must make available in the prescribed manner a description of—

- (a) the categories of records of the public body that are automatically available without a person having to request access in terms of this Act, including such categories available—
  - (i) for inspection in terms of legislation other than this Act;
  - (ii) for purchase or copying from the body; and
  - (iii) from the body free of charge; and
- (b) how to obtain access to such records.

<sup>11</sup> 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.

<sup>12</sup> 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.”

Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Information Regulator, during normal working hours. The Guide can also be obtained –

- (i) upon request from the Information Officer;
- (ii) from the website of the Information Regulator (<https://www.inforegulator.org.za>). The contact details of the Information Regulator are in the table below.

<b>The Office of the Information Regulator</b>	
<b>Telephone</b>	Not available
<b>Fax</b>	Not available
<b>E-Mail Address</b>	General inquiries: <a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a> Complaints: <a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a> <a href="mailto:POPIAComplaints@inforegulator.org.za">POPIAComplaints@inforegulator.org.za</a>
<b>Postal Address</b>	P O Box 31533 Braamfontein JOHANNESBURG, 2017
<b>Street Address</b>	J.D. House 27 Stiemens Street Braamfontein JOHANNESBURG, 2001
<b>Website</b>	<a href="https://www.inforegulator.org.za">https://www.inforegulator.org.za</a>

## **9. DESCRIPTION OF THE SUBJECT ON WHICH THE MUNICIPALITY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD**

In this part subjects of records held by the Municipality are first recorded and the various categories of records in respect of each subject follow thereafter –

### **9.1 Legislation**

Parliamentary legislation and regulations  
Provincial legislation  
Municipal by-laws

### **9.2 Organisation and control**

Restructuring  
Powers and functions of offices  
Strategic planning and capacity building  
Integrated Development Plan  
Personnel structures  
Organisational structure and systems analysis  
Workstudy, productivity and risk management  
Delegations  
Records management

### **9.3 Own Council, Committees of Council and matters regarding Councillors**

Office bearers  
Code of Conduct  
Training  
Trade with councillors  
Actions against councillors  
Resignations/vacancies  
Pension fund and medical aid fund for councillors  
Political structures  
Representation on outside bodies  
Meeting procedures and rules

### **9.4 Personnel**

Posts control, which includes grading, evaluations and post descriptions  
Conditions of service



Recruitment and appointment  
 Training (including bursaries, external/internal training and skills development programmes)  
 Allowances and bonuses  
 Pension fund, medical aid fund and insurance matters  
 Personnel control (service rosters and timesheets, leave and relief arrangements, utilisation of official vehicles, private work, complaints/actions against personnel, complaints/representations by personnel)  
 Labour relations (equitable employment, mass actions and strikes, labour unions, bargaining council, disputes, personnel records)

## **9.5 Financial**

Budgets  
 Financial statements  
 Budget control  
 Valuations and interim valuations (appointment of valuers and valuation court members, minutes of valuation court, objections, valuation lists and amendments)  
 Property taxes (determinations, exemptions, grants-in-aid, transfer certificates)  
 Determination of tariffs and fees  
 Deposits  
 Subsidies received  
 Recovery of all types of monies owed to the Council  
 Payment of accounts  
 Financial aid by the Council  
 Financial aid to the Council  
 Councillors (salaries, allowances, deductions)  
 External loans  
 Investments  
 Funds created by the Council  
 Audit (internal audit, external audit, audit committee)  
 Bank accounts  
 General financial returns  
 Payment methods

## **9.6 Domestic Stock and Services**

Stock-taking  
 Asset management and asset registers  
 Procurement and maintenance  
 Fleet management  
 Information services and systems  
 Security services  
 Vocational safety  
 Law enforcement

## **9.7 Reports, Returns and Statistics**

Quarterly, monthly and annual returns  
 Returns of departments  
 Statistics

## **9.8 Quotations, Tenders and Contracts**

Preferential procurement policy  
 Annual tenders  
 Quotations  
 Tenders  
 Contracts

## **9.9 Advertisement and information**

Press and radio releases, advertisements, newsletters, notices and brochures  
 Tourism (policy, promotion, places of interest, participation in exhibitions and shows)  
 Council emblems (design and utilisation)  
 Competitions  
 Gifts and souvenirs

## **9.10 Events and Social Matters**

Official speeches  
 Protocol, address and birthday lists  
 Particulars regarding participation in feasts

Own receptions and social gatherings  
 Letters of thanks, condolence and congratulation  
 Friendly visits and agreements

#### **9.11 Composition and Meetings of bodies and other meetings**

Agendas, minutes, reports and policy decisions of own and local committees and bodies of which council is a member or is represented on

#### **9.12 Buildings and Grounds**

Policy and particulars regarding the purchase, erection, renting and leasing, alienation, as well as maintenance, security and the allocation of buildings and accommodation  
 Policy and particulars regarding the purchase, expropriation, exchange, donation, endowment, prescription, renting, leasing and sale of land and grounds

#### **9.13 Legal matters**

Legal opinions and court decisions  
 Appointment of attorneys and advocates  
 Claims by and against the Council  
 Investigations and prosecutions in terms of legislation enforced by the Council

#### **9.14 Licenses, Permits and Approvals**

Particulars regarding applications and issue of licenses, permits and approvals which were granted or denied by the Council in terms of the provisions of legislation

#### **9.15 Town Planning and Control**

Particulars regarding municipal boundaries  
 Spatial development planning  
 Establishment of formal and informal townships  
 Land use control (rezonings, subdivisions, departures, closure of open spaces and streets, servitudes, sectional titles, approvals and land restructuring)  
 Building control matters (building plans approved, temporary buildings/structures, advertising, signs, demolitions)

#### **9.16 Essential Services**

Water (procurement and distribution, provision and maintenance of dams, reservoirs, pressure towers, pump stations, main lines and distribution networks, management measures)  
 Electricity (restructuring, purchase and procurement, planning, construction and upgrading of networks, applications for connections, management and maintenance of supply networks, installation, management and maintenance of sub stations, transmission infrastructure and street lighting)  
 Sewerage (permits for provision and management of sewerage works, planning, construction and upgrading of sewerage works, maintenance, analysis and utilisation of effluent, planning, construction, upgrading and maintenance of pump stations and networks, servitudes and wayleaves)  
 Sanitation (provision, maintenance and management of dumps and transfer stations, closure and rehabilitation of dumps, refuse removal, cleanup campaigns, recycling)  
 Roads, streets and parking areas (construction programmes, proclamation and deproclamation, planning and comments in regard to main roads, construction, maintenance and safeguarding of road surfaces, storm water drainage, sidewalks and parking areas, naming of streets and street name signs, numbering of houses)  
 Cemeteries and crematoria (provision and maintenance, particulars regarding reburials, erection and maintenance of tombstones, pauper burials)

#### **9.17 Community Services**

Community development (projects, needs analysis and socio-economic surveys)  
 Social Services  
 Housing (provision and maintenance, waiting lists, allocation policy, self-building schemes, low cost housing)  
 Protection services (civil protection services, emergency and contingency planning, co-operation with other bodies fire brigade services, provision of services, protection measures, hydrants and firefighting equipment)  
 Traffic control (road safety measures, traffic volume assessments, speed traps, direction signs, traffic signs and traffic lights, vehicle control, vehicle testing, issue of drivers` licenses)  
 Public transport (determination of routes, stops and loading zones for busses and taxis, provision, maintenance and management of termini)  
 Library services (procurement of library material, particulars regarding outstanding and lost material)  
 Public amenities and services (provision, maintenance and management of halls, swimming baths, picnic places and camping sites, applications for the use of amenities)  
 Parks, gardens, open spaces and playgrounds (provision and maintenance, applications for use)  
 Harbour and coastal control (harbour facilities and fish market, pollution control measures, applications for use)

Nature conservation (provision and maintenance of reserves and footpaths)  
 Trade and commerce (promotion of local commerce, relations with local business sector, provision, management and maintenance of core industries and informal trade zones)  
 Museums, monuments and memorials: provision, maintenance and management  
 Post and telecommunication services (communications in regard to the provision of post offices and postal services, erection of overhead facilities and laying of cables and piping)  
 Control of animals (provision, maintenance and management of pounds, impoundment and disposal of animals, relations with animal welfare organisations, aid to animal welfare organisations, aid to public bodies and organisations)  
 Elections (communications in regard to delimitation of wards and polling districts and special arrangements during elections)

## **10. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the municipal website at [www.swartland.org.za](http://www.swartland.org.za) free of charge in terms of section 15(1)(a)(iii) are marked with an asterisk.

Records may be obtained from the Deputy Information Officers, who are trained and authorised to furnish the information that is included in the list.

### **10.1 BUSINESS DETAILS**

Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, installations, facilities and amenities.

### **10.2 AGENDAS AND MINUTES**

Agendas and minutes of all meetings of council\*, its structures and formal staff meetings and those of its predecessors, excluding minutes and agendas which have been marked "confidential".

### **10.3 COUNCILLORS**

(Including executive mayor, executive deputy mayor, speaker and office bearers)

Information regarding each councillor's

- name, address, telephone numbers
- ward/proportional, political party and election details
- position in council, e.g. member of committee A and if office bearer, whether full-time or part-time
- representation on outside bodies
- salary, allowances, etc.
- details of trips outside municipal area
- declaration of interests in accordance with item 7 of the Code of Conduct
- attendance registers, absence records and fines imposed

### **10.4 STRUCTURES** (including council, executive committee, and other committees)

- composition, names of members, office bearers, political membership
- time and venue of meetings
- functional areas

### **10.5 MUNICIPAL BY-LAWS AND BUDGET RELATED POLICIES**

All documents in this regard\*

### **10.6 DELEGATIONS to-**

- political office bearers
- councillors
- members of staff
- structures (executive committee, committees, etc.)

### **10.7 DECISIONS BY INDIVIDUALS**

Decisions by any political office bearer, councillor or staff member in terms of a power or duty delegated or sub-delegated

### **10.8 BUDGET** – document relating to-

- IDP\*
- capital budget\*
- estimates of income and expenditure
- reports on budget control
- business plans

#### **10.9 FINANCIAL RECORDS**

- annual statements\*
- monthly statements\*
- arrears (excluding personal details)

#### **10.10 REGISTERS** regarding-

- assets (movable or immovable)
- agreements
- contractors, service providers
- tenders awarded\*

#### **10.11 TARIFFS, FEES, SURCHARGES, ETC.**

- All tariffs, fees, surcharges, etc. approved by the council for the current financial year\*
- All tariffs, fees, surcharges, etc. approved by the council for the previous financial years\*

#### **10.12 PERSONAL INFORMATION OF MEMBERS OF STAFF** in terms of section 34(2)(f) of the Act relating to-

- the fact that the individual is or was an official

#### **10.13 STATISTICS** (excluding personal details of individuals)

- statistics kept for departmental use in the format in which it is available
- statistics in the format as required by legislation

#### **10.14 PERSONAL INFORMATION OF PERSONAL REQUESTER**

Personal information requested by personal requester seeking access to a record containing personal information about the requester, on positive identification

#### **10.15 RESEARCH**

Information regarding research by or on behalf of the municipality, on condition that such research results have been presented to council or any of its structures and no copyright is held by persons or bodies not connected with the municipality

#### **10.16 PUBLICATIONS**

All publications by and on behalf of the municipality and which had been made public or presented to council and in which no copyright is held by persons or bodies not connected with the municipality

#### **10.17 HOUSING** – records containing-

- houses and land available for housing

#### **10.18 TENDERS**

Tenders and proposal calls after public opening (excluding evaluations and recommendations to the municipal manager)

#### **10.19 SERVICE PROVIDERS**

Details of providers of services to the municipality

#### **10.20 PLANNING**

- zoning and structure plans
- individual zonings and conditions
- register of approved departures and consent uses
- land use applications
- decisions by the Municipal Planning Tribunal

#### **10.21 LAND**

- valuation rolls\*

## 10.22 ORGANISATIONAL STRUCTURE

- organigrams\*
- staff structure

## 11. DESCRIPTION OF HOW TO OBTAIN ACCESS TO A RECORD HELD BY THE MUNICIPALITY OTHER THAN THE RECORDS IN CHAPTER 10

**11.1** Section 18<sup>13</sup> of PAIA prescribes the procedure to be followed in making a request for access to information held by the Municipality. Section 23(1)<sup>14</sup> of POPIA also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA.

**11.2** A requester or data subject must use the prescribed form (Form 2 attached), when requesting access to a record or personal information.

**11.3** A requester is any person making a request for access to a record of the Municipality and in this regard, PAIA distinguishes between two types of requesters for access to information, i.e. Personal Requester, (data subject) and Other Requester.

11.3.1 A data subject is a requester who, having provided adequate proof of identity, is seeking access to a record containing personal information about the data subject. Subject to the provisions of PAIA and POPIA, the Municipality will provide the requested information, or give access to any record with regard to the data subject's personal information within a reasonable time, (at a prescribed fee, in any) in a reasonable manner and format and in a form that is generally understandable. The prescribed fee for reproduction of the personal information requested will be charged by the Municipality.

11.3.2 A person falling in the category of Other Requester is entitled to request access to information pertaining to third parties. However, the Municipality is not obliged to grant

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<sup>13</sup> Section 18 of PAIA - (1) A request for access must be made in the prescribed form to the information officer of the public body concerned at his or her address or fax number or electronic mail address.

(2) The form for a request of access prescribed for the purposes of [subsection \(1\)](#) must at least require the requester concerned—

- (a) to provide sufficient particulars to enable an official of the public body concerned to identify—
  - (i) the record or records requested; and
  - (ii) the requester;
- (b) to indicate which applicable form of access referred to in section 29 (2) is required;
- (c) to state whether the record concerned is preferred in a particular language;
- (d) to specify a postal address or fax number of the requester in the Republic;
- (e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- (f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

(3) (a) An individual who because of illiteracy or a disability is unable to make a request for access to a record of a public body in accordance with [subsection \(1\)](#), may make that request orally.

(b) The information officer of that body must reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

<sup>14</sup> Section 23(1) of PAIA - A data subject, having provided adequate proof of identity, has the right to—

- (a) request a responsible party to confirm, free of charge, whether or not the responsible party holds personal information about the data subject; and
- (b) request from a responsible party the record or a description of the personal information about the data subject held by the responsible party, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information—
  - (i) within a reasonable time;
  - (ii) at a prescribed fee, if any;
  - (iii) in a reasonable manner and format; and
  - (iv) in a form that is generally understandable.

access prior to the requester fulfilling the requirements for access to information in terms of PAIA and POPIA.

- 11.4** The Form 2 must be addressed and submitted to the Information Officer by hand, post, per fax or e-mail, which details are set out in paragraph 6 above.
- 11.5** The requester must provide sufficient information of the record(s) requested in order for the Information Officer or Deputy Information Officer, in any, to identify the record(s). The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
- 11.5.1 the identity of the requester;
  - 11.5.2 particulars of records requested;
  - 11.5.3 type of record;
  - 11.5.4 form of access; and
  - 11.5.5 manner of access.
- 11.6** Some additional important points to remember when completing the request form:
- 11.6.1 each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay being experienced;
  - 11.6.2 if the records are requested on behalf of another person, please provide a copy of the mandate authorising you to act on behalf of another person;
  - 11.6.3 a detailed description of the records being requested must be provided to enable the Information Officer or Deputy Information Officer to identify it accurately.
- 11.7** The requester must indicate, as per section 29(2)<sup>15</sup> of PAIA, the form of access that is required.
- 11.8** The requester must indicate whether the requested record(s) is preferred in any particular language.
- 11.9** The requester should indicate the manner in which he/she wishes to be informed of the decision on the request and the necessary particulars to be informed accordingly.

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<sup>15</sup> Section 29(2) of PAIA - The forms of access to a record in respect of which a request of access has been granted, are the following:

- (a) If the record is in written or printed form, by supplying a copy of the record or by making arrangements for the inspection of the record;
- (b) if the record is not in written or printed form—
  - (i) in the case of a record from which visual images or printed transcriptions of those images are capable of being reproduced by means of equipment which is ordinarily available to the public body concerned, by making arrangements to view those images or be supplied with copies or transcriptions of them;
  - (ii) in the case of a record in which words or information are recorded in such manner that they are capable of being reproduced in the form of sound by equipment which is ordinarily available to the public body concerned—
    - (aa) by making arrangements to hear those sounds; or
    - (bb) if the public body is capable of producing a written or printed transcription of those sounds by the use of equipment which is ordinarily available to it, by supplying such a transcription;
  - (iii) in the case of a record which is held on computer, or in electronic or machine-readable form, and from which the public body concerned is capable of producing a printed copy of—
    - (aa) the record, or a part of it; or
    - (bb) information derived from the record, by using computer equipment and expertise ordinarily available to the public body, by supplying such a copy;
  - (iv) in the case of a record available or capable of being made available in computer readable form, by supplying a copy in that form; or
  - (v) in any other case, by supplying a copy of the record.

- 11.10** The requester will receive the information in such manner as indicated. Section 29(3) of PAIA indicates that making available the information will depend on whether the request will not interfere unreasonably with the effective administration of the Municipality, be detrimental to the preservation of the record(s) or infringe any copyright not owned by the State.
- 11.11** An oral request for access to a record(s) may be made, if the requester does not have a formal education or has a disability. The Information Officer or Deputy Information Officer will assist the requester to complete the prescribed form on behalf of such requester and provide him/her with a copy of the completed form.
- 11.12** The requester will be notified of the prescribed fee payable, if any, the method of payment and the office to which he/she can make such payment or submit proof of payment before a request for information is processed further.
- 11.13** The request for information will, in terms of Section 25<sup>16</sup> of PAIA, be processed by the Information Officer within 30 days after receipt of the request or as soon as is reasonably possible, whereafter the Information Officer will inform the requester of his/her decision, either to grant or reject the request for access to records. The decision must, if it is reasonably possible, be communicated in the manner requested by the requester.
- 11.14** Section 26<sup>17</sup> of PAIA prescribes the instances where the period of thirty (30) days referenced in

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<sup>16</sup> Section 25 of PAIA - (1) Except if the provisions regarding third party notification and intervention contemplated in Chapter 5 of this Part apply, the information officer to whom the request is made or transferred, must, as soon as reasonably possible, but in any event within 30 days, after the request is received—

- (a) decide in accordance with this Act whether to grant the request; and
  - (b) notify the requester of the decision and, if the requester stated, as contemplated in section 18 (2) (e), that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner if it is reasonably possible.
- (2) If the request for access is granted, the notice in terms of subsection (1) (b) must state—
- (a) the access fee (if any) to be paid upon access;
  - (b) the form in which access will be given; and
  - (c) that the requester may lodge an internal appeal, a complaint to the Information Regulator or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.
- (3) If the request for access is refused, the notice in terms of subsection (1) (b) must—
- (a) state adequate reasons for the refusal, including the provisions of this Act relied upon;
  - (b) exclude, from such reasons, any reference to the content of the record; and
  - (c) state that the requester may lodge an internal appeal, complaint to the Information Regulator or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.

<sup>17</sup> Section 26 of PAIA - (1) The information officer to whom a request for access has been made or transferred, may extend the period of 30 days referred to in section 25 (1) (in this section referred to as the "original period") once for a further period of not more than 30 days, if—

- (a) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the public body concerned;
  - (b) the request requires a search for records in, or collection thereof from, an office of the public body not situated in the same town or city as the office of the information officer that cannot reasonably be completed within the original period;
  - (c) consultation among divisions of the public body or with another public body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
  - (d) more than one of the circumstances contemplated in paragraphs (a), (b) and (c) exist in respect of the request making compliance with the original period not reasonably possible; or
  - (e) the requester consents in writing to such extension.
- (2) If a period is extended in terms of subsection (1), the information officer must, as soon as reasonably possible, but in any event within 30 days, after the request is received or transferred, notify the requester of that extension.
- (3) The notice in terms of subsection (2) must state—
- (a) the period of the extension;
  - (b) adequate reasons for the extension, including the provisions of this Act relied upon; and
  - (c) that the requester may lodge an internal appeal, complaint to the Information Regulator or an application with a court, as the case may be, against the extension, and the procedure (including the period) for lodging the internal appeal, complaint to the Information Regulator or application, as the case may be.

Section 25 of PAIA, may be extended once for a further 30 days.

- 11.15** If the period has been extended, the Information Officer must as soon as possible and within 30 days of first receiving the request inform the requester of that extension.
- 11.16** If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or is granted in an unacceptable form, the requester may lodge an internal appeal as per Section 74<sup>18</sup> of PAIA.
- 11.17** According to Section 78 of PAIA, a requester or third party referred to in Section 74, may only apply to a Court for appropriate relief in terms of Section 32<sup>19</sup> of PAIA, after having exhausted the internal appeal procedure against a decision of the Information Officer.

## 12. DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

The services available from the Municipality to members of the public are described hereunder. For ease of reference the various services have been consolidated under common collective terms.

### 12.1 CIVIL ENGINEERING SERVICES

Sewerage: connections, blockages, emptying of conservancy tanks

Solid Waste: removal, recycling, domestic and limited garden refuse removal

Water: provision, reticulation, connection, testing of meters .

Streets and roads: grading of gravel roads and patching of tar streets; construction of driveways; clearing of storm water drainage.

Parks: trimming of trees on sidewalks & parks

Sportsfields

Cemeteries

Swimming Pools

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Civil Engineering Services at the following offices:

**All towns:** Malmesbury office, tel (022) 487 9400 / (022) 487 9732

**Moorreesburg and Koringberg:** Moorreesburg office, tel (022) 433 2246

**Darling and Yzerfontein:** Darling office, tel (022) 492 2237

For specific enquiries regarding **refuse removal services** in respect of **all towns** please contact the Malmesbury office, tel (022) 487 9400 and ask for the required section.

<sup>18</sup> Section 74 of PAIA - (1) A requester may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1—

(a) to refuse a request for access; or

(b) taken in terms of section 22, 26 (1) or 29 (3), in relation to that requester with the relevant authority.

(2) A third party may lodge an internal appeal against a decision of the information officer of a public body referred to in paragraph (a) of the definition of "public body" in section 1 to grant a request for access.

<sup>19</sup> Section 32 of PAIA - The information officer of each public body must annually submit to the Information Regulator a report stating in relation to the public body—

(a) the number of requests for access received;

(b) the number of requests for access granted in full;

(c) the number of requests for access granted in terms of section 46;

(d) the number of requests for access refused in full and refused partially and the number of times each provision of this Act was relied on to refuse access in full or partial;

(e) the number of cases in which the periods stipulated in section 25 (1) were extended in terms of section 26 (1);

(f) the number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record;

(g) the number of internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of section 27;

(h) the number of applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7); and

(i) such other matters as may be prescribed.



Landfill sites are located in Malmesbury, Moorreesburg and Darling. There are transfer stations at Moorreesburg and Darling landfills, Yzerfontein, Chatsworth, Kalbaskraal, Riebeek West and Riebeek Kasteel. A permit is required for the disposal of refuse. Refuse coupons may be obtained at all municipal cashier points. Big tree branches and building rubble may not be delivered to transfer stations. For more information contact the Director: Civil Engineering Services at Malmesbury, tel (022) 487 9400 / (022) 487 9732.

## **12.2 ELECTRICAL SERVICES**

Electricity: provision, reticulation, connection testing, power failures, street lighting and disruption of television signals

Enquiries about the services, relevant costs and how to gain access to the services in respect of **Malmesbury, Riebeek West (Ongegund), Riebeek West (Voëlville), Moorreesburg, Yzerfontein and Darling** may be directed to the Director: Electrical Engineering Services during office hours at tel (022) 487 9400. After hours telephone numbers are advertised separately.

Eskom is the electricity provider in **Riebeek West, Riebeek Kasteel, Koringberg, Grotto Bay, Riverlands, Chatsworth, Kalbaskraal as well as farms and smallholdings** and may be contacted at tel 080 1212455.

## **12.3 COMMUNITY SERVICES**

### **12.3.1 Community Development**

Initiating and co-ordinating community development projects focussing on promoting of: Early Childhood Development and legalisation of ECD facilities, Child Development, Youth Development, Collaboration and Co-ordination, Access to economy, Lobbying for the vulnerable

Contact the department of Community Development at Malmesbury, tel (022) 487 9400.

### **12.3.2 Housing**

Facilitating, planning and coordination of housing development  
Maintaining a housing waiting list  
Dealing with complaints and enquiries

Contact the department of Community Development at Malmesbury, tel (022) 487 9400.

### **12.3.3 Environmental Health and Safety**

Air Quality  
Noise Control  
Overgrown Erven  
Issuing of Business License  
Pest control

Contact the department of Community Development at Malmesbury, tel (022) 487 9400.

## **12.4 PROTECTION SERVICES**

### **12.4.1 Law Enforcement and Traffic Services**

Testing: Learners and drivers' licences  
Vehicle registrations  
Roadworthiness tests  
Licence renewals  
Conversion of drivers licences  
Escorting of abnormal loads and processions  
Road safety education  
Law enforcement: traffic  
Crime prevention  
Enforcement of municipal by-laws  
Application and registration as a driving license instructor  
Application and renewal of PDP's  
Film and Still Shoot applications  
Issuing of beach wedding permits  
Event applications  
Applications for Disabled Stickers

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Protection Services, at Malmesbury, tel (022) 487 9400 or any of the following offices:

**Malmesbury:** (022) 487 9400  
**Moorreesburg:** (022) 433 2246  
**Darling:** (022) 492 2237

#### 12.4.2 Fire Services

Fire prevention  
 Fire fighting  
 Fire safety  
 Rescue services: accidents  
 Fire safety & awareness  
 Humanitarian services  
 Event application  
 Disaster Management  
 Evaluation of Building plans  
 The emergency number for these services (all areas) is (022) 487 9479.

### 12.5 AMENITIES

#### 12.5.1 Yzerfontein harbour and fish market

For information contact the Harbour Master at (022) 451 2366.

#### 12.5.2 Halls

For booking of halls or enquiries phone the following numbers:

**Darling:** Community Hall: (022) 492 2237  
**Chatsworth:** Community Hall: (022) 487 9400  
**Malmesbury:** Town Hall, Westbank, Abbotsdale and Ilinge Lethu community halls: (022) 487 9400  
**Moorreesburg:** Town Hall and Rosenhof Community Hall: (022) 433 2246  
**Riebeek Kasteel:** Community Hall: (022) 448 1258  
**Riebeek West:** Town Hall: (022) 461 2324  
**Yzerfontein:** Community Hall: (022) 451 2366

#### 12.5.3 Swimming Pools

The Malmesbury public swimming pool is located in Vrede Street  
 The Moorreesburg public swimming pool is located in Main Street  
 The Darling public swimming pool is located in Caledon Street

#### 12.5.4 Caravan Parks

The Yzerfontein public caravan park is located in Dolfyn Street

#### 12.5.5 Sport facilities

Various sport facilities are available at the towns in the municipal area

##### **Malmesbury**

Dieprivier sports fields (rugby, cricket, netball, tennis, bowls, athletics)  
 Golf course  
 Squash courts  
 Alpha Street sports fields (rugby, cricket, netball, tennis, athletics)  
 Soccer fields

##### **Riebeek West**

Rugby field

##### **Riebeek Kasteel**

Sports fields (rugby and netball)

##### **Abbotsdale**

Sports fields (rugby, netball and tennis)

##### **Kalbaskraal**

Rugby field

##### **Chatsworth**

Sport field

##### **Darling**

Gabriël Pharaoh sports fields (rugby, cricket, netball, tennis and athletics)  
 Sports club (cricket, bowls, gholf, netball, tennis)

##### **Moorreesburg**

Rosenhof sports fields (rugby, cricket, soccer, netball, tennis and athletics)  
 Gene Louw sports fields (rugby, cricket, netball and athletics)  
 Bowling greens

Tennis courts  
 Golf course  
 Squash courts  
 Gimnasium

**Yzerfontein**

Sports fields (tennis, bowls and jukskei)

Enquiries about the services, relevant costs and how to gain access to the services may be directed to any of the Municipal offices.

**12.6 LIBRARIES**

Libraries may be visited at the following centres:

**Abbotsdale**

Public Library, Roosmaryn Street

**Malmesbury**

Public Library, Voortrekker Road  
 Westbank Library, Akasia Avenue

**Moorreesburg**

Public Library, Main Road

**Darling**

Public Library, Church Street  
 Darling North Library, c/o 17th Avenue and Smith Street

**Riebeek Kasteel**

Public Library, Plain Street

**Riebeek West**

Public Library, Voortrekker Road

**Chatsworth**

Public Library, c/o 1st and Hutchinson Street

**12.7 TRADING**

Issuing of licences for the sale of food to the public  
 Permits to hawk

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Development Services at Malmesbury, tel (022) 487 9400.

**12.8 TOWN PLANNING AND LAND AFFAIRS**

Granting authority for land use, eg. rezonings, special consents and departures  
 Sale and lease of municipal property  
 Approval of building plans

For specific enquiries regarding **building plans** in respect of **all towns** please contact the Malmesbury office, tel (022) 487 9400 and ask for the required section.

Enquiries about the services, relevant costs and how to gain access to the services may be directed to the Director: Development Services at Malmesbury, tel (022) 487 9400.

**12.9 TOURISM**

Maps and brochures

Tourism bureaux/Information offices may be visited at the following towns:

**Malmesbury**

C/o Voortrekker Road and Church Street

**Darling**

C/o Hill & Pastorie Streets

**Riebeek Kasteel**

Church Street

**Yzerfontein**

46 Main Street

**Koringberg**

C/o Impala and Sonderend Streets

### 12.10 CASHIER AND ENQUIRY DESKS


For your convenience a number of cashier and enquiry desks (for enquiries about services, credit control and client services) have been established within the municipal area. Details of where to make payments and/or lodge enquiries are reflected hereunder:

<b>Malmesbury Head Office:</b> Church Street	Tel (022) 487 9400
<b>Moorreesburg:</b> c/o Piet Retief & Plein Streets	Tel (022) 433 2246
<b>Darling:</b> Church Street	Tel (022) 492 2237
<b>Yzerfontein:</b> Marine Road	Tel (022) 423 8024
<b>Riebeek West:</b> Voortrekker Road	Tel (022) 461 2324
<b>Riebeek Kasteel:</b> Sarel Cilliers Street	Tel (022) 448 1258

Payment of services accounts and the purchase of prepaid services (water and electricity) can also be made at any of the below-mentioned agencies:

**Malmesbury:** Saverite (Dorp)  
**Malmesbury:** Superspar (Dorp)  
**Malmesbury:** Pick 'n Pay (Dorp)  
**Malmesbury:** Piet Kemp Motors (Dorp)  
**Malmesbury:** Spar The Bank (Wesbank)  
**Malmesbury:** Mike Nzongana (Ilinge Lethu)  
**Malmesbury:** Nazrana's Superette (Wesbank)  
**Darling:** Dinkie's Kafee (Darling-Noord)  
**Darling:** Nicky's Shop (Darling-Wes)  
**Darling:** AJ Houseshop (Darling-Oos)  
**Moorreesburg:** Swartland Motors  
**Moorreesburg:** Achmed Cash & Carry  
**Moorreesburg:** Hester Cloete  
**Yzerfontein:** KwikSpar

Payment of services accounts can also be made by means of –

- the -facility linked to various business groups;
- internet payments
  - **Your Swartland Municipality account number (12 digits) must accompany such payment.**
  - Clients effecting payment by way of **electronic bank, as well as Internet transfer to bank account: Account name: Swartland Municipality; Standard Bank. Account number: 372865119; Branch code: 051001 – use your Municipal account number with hyphens, as reference.** Please be aware of the time lapse between the date a transaction is initiated and the date the relevant amount is credited to the Municipality's bank account, that is **2/3** days. If payment is initiated only on due date the supply of electricity to the relevant property, as a consequence of late payment, **may** be terminated.
  - Deposit slips **must be faxed to 086 555 1118** OR emailed to [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)
- Direct depositing
  - **Direct depositing** of Municipal Account moneys in the Municipality's bank account; **Account name: Swartland Municipality; Standard Bank, Account Number: 372865119; Branch code: 051001 - use your Municipal account number with the hyphens, as reference.**
  - For any other payments for **Sundry transactions** via Internet and/or direct bank deposit, the correct bank reference number must be obtained from the official that provided the amount to you.
  - **Traffic fines payments:** When fine payments are made in Standard bank: Account Name: Swartland Municipality; **Standard Bank**, Account number: 372865127, Branch Code: 051001, please quote reference number in Section "A".
- Alternative payment facilities
  - Electronic bank transfers:"ACB"-system (upon request at municipal offices);
  - **Internet transfers:** Through the website of a client's personal bank as arranged by him/her – **use your municipal account number with hyphens, as reference.**

### 13. DESCRIPTION OF ARRANGEMENT OR PROVISIONS FOR PERSONS TO MAKE REPRESENTATIONS, TO PARTICIPATE IN OR INFLUENCE THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE MUNICIPALITY

The Constitution directs local government to encourage the involvement of communities and community organisations in the matters of local government. In more direct terms the Local Government: Municipal

Systems Act requires each municipality to develop a culture of community participation that complements formal representative government with a system of participatory governance.

### **13.1 STATUTORY OBLIGATION**

For this purpose the municipality must in terms of the Act encourage and create conditions for the local community to participate in the affairs of the municipality, e.g. in the preparation, implementation and review of its integrated development plan; the establishment, implementation and review of its performance management system; the monitoring and review of its performance; the preparation of its budget; and strategic decisions relating to the provision of municipal services.

The municipality must furthermore contribute to building the capacity of the local community to enable it to participate in the affairs of the municipality; and councillors and staff to foster community participation.

The municipality must also use its resources, and annually allocate funds in its budget for the purpose of implementing the above.

### **13.2 MECHANISMS, PROCESSES AND PROCEDURES**

Participation by the local community in the affairs of the municipality must take place through the municipality's political structures; the mechanisms, processes and procedures established in terms of this Act; other appropriate mechanisms, processes and procedures established by the municipality; and councillors.

The municipality has identified the following mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality—

- (a) petitions and complaints lodged by members of the local community;
- (b) public comment procedures;
- (c) public meetings and hearings, when appropriate;
- (d) consultative sessions with local community organisations; and
- (e) report-back to the local community.

### **13.3 COMMUNICATION OF INFORMATION CONCERNING COMMUNITY PARTICIPATION**

The municipality will communicate information concerning the above mechanisms, processes and procedures to encourage and facilitate community participation and in particular the matters with regard to which community participation is encouraged; the rights and duties of members of the local community; and municipal governance, management and development.

The municipality will also give notice to the public of the time, date and venue of every ordinary and special or urgent meeting of the council, except when time constraints make this impossible. Meetings of the council and those of its committees are open to the public, including the media; these may only be closed for the public, including the media when it is reasonable to do so having regard to the nature of the business being transacted.

### 13.4 COMMUNICATIONS TO LOCAL COMMUNITY

When the municipality must communicate with the community through the media, if in terms of the Systems Act or any other applicable legislation, it will do so in the local newspaper/s. It may at times also do so by means of radio broadcasts covering the area of the municipality, or by means of its municipal newsletter which is published quarterly.

Notices that must be published in the Provincial Gazette or the media in terms of the systems act or any other applicable legislation, will also be displayed at the municipal offices.

When the municipality invites the local community to submit written comments or representations on any matter before the council, the invitation will mention that any person who cannot write may come during office hours to a place where a staff member of the municipality named in the invitation, will assist that person to transcribe that person's comments or representations.

When the municipality requires a form to be completed by a member of the local community, a staff member of the municipality will give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form.

## 14. PROCESSING OF PERSONAL INFORMATION

### 14.1 Purpose of processing of personal information of data subject by the Municipality

Personal information is collected by the Municipality for various reasons in order to fulfil its mandate as government institution in terms of the Constitution of the Republic of South Africa.

### 14.2 Personal information is used for, inter alia:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and benefits; (3) performance management and training; and (4) government reporting;
- Risk management which includes physical and electronic security and access control;
- Procurement of goods and services;
- Rendering of services;
- Complying with other relevant legislation.

### 14.3 Description of the categories of data subjects, information processed and recipients thereof

DATA SUBJECTS	INFORMATION	RECIPIENTS
Prospective employees, current employees, councillors, consultants, interns, volunteers and contract workers	Name, identification number, biographical information; contact details; educational, employment and criminal history; biometric and health information; psychometric assessments; reference and	Relevant municipal department, law enforcement agencies, consultant, if any

	background checks	
Current employees, contract workers, councillors, interns	Account information; performance report; skills/training report; declaration of interest form	Relevant municipal department
Prospective and current suppliers, service providers, contractors, sub-contractors and business partners	Name, identification number, relevant registration number;; contact details; financial history; references, background checks; account information; performance reports; tax related information, broad-based black economic empowerment (B-BBEE) staus, affiliates entities, business strategies	Relevant municipal department and service providers
Ratepayers, service users and visitors	Name, identification number, biographical information, contact details; account details	Relevant municipal department

#### 14.4 Planned transborder flows of personal information

14.4.1 The Municipality has not planned transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Municipality will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection and the third party agrees to treat that personal information whith the same level of protection as the Municipality is obliged under POPIA.

14.4.2 Any transfer of personal information cross border shall be with data subject's consent, however should it not be reasonably practicable to obtain the data subject's consent, the Municipalty shall transfer the personal information if –

14.4.2.1 it will be for the data subject's benefit; and

14.4.2.2 the data subject would have given consent should it have been reasonably practicable to obtain such consent.

#### 14.5 General Description of Information Security Measures

14.5.1 The Municipality continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measurestoprevent –

14.5.1.1 loss of, damage to or unauthorised destruction of personal information; and

14.5.1.2 unlawfull access to or processing of personal information.

14.5.2 The Information Regulator has taken reasonable measures, as contained paragraph 15.5.3 below, to –

14.5.2.1 identify all reasonably foreseeable internal and external risks to personal information

in its possession or under its control;

- 14.5.2.2 establish and maintain appropriate safeguards against the risks identified;
- 14.5.2.3 regularly verify that the safeguards are effectively implemented; and
- 14.5.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

14.5.3 Measures taken by the Municipality include, amongst others –

- 14.5.3.1 Access Control;
- 14.5.3.2 Data Encryption;
- 14.5.3.3 Defensive Measures;
- 14.5.3.4 Robust Monitoring, Auditing and Reporting capabilities;
- 14.5.3.5 Data Backups;
- 14.5.3.6 Anti-virus and Anti-malware Solutions;
- 14.5.3.7 Awareness and Vigilance; and
- 14.5.3.8 Agreements are concluded with Operators to implement security controls.

## **15. AVAILABILITY OF THE MANUAL**

15.1 The manual is available -

- on the website of the Municipality at [www.swartland.org.za](http://www.swartland.org.za);
- at the head office of the Municipality in Malmesbury for public inspection during normal business hours;
- to any person upon request and upon the payment of the relevant fee. The fee for a copy of the manual, as contemplated in annexure B, shall be payable for each A4 size photocopy made.

## **16. UPDATING OF THE MANUAL**

The Municipality will, if necessary, update and publish the manual annually.

**J J SCHOLTZ**  
**INFORMATION OFFICER**



**ANNEXURE A**  
**GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE**

**1. COMPLETION OF APPLICATION FORM, PAYMENT OF FEES AND FORM OF ACCESS - sections 18, 19, 22, 29 and 31.**

1.1 Application form

- A prescribed form (attached as **Form 2**) must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
  - If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/ Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
  - A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
  - A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as **ANNEXURE B**). The following fees are payable:
  - Request fee of R100.00 for each request;
  - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required.
  - However, the full access fee is payable before access is granted; and/or making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.4 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required. If a copy is required, the requester must indicate the form thereof (e.g., printed or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.

- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Municipality's business.

## 2. DECISION TO GRANT OR REFUSE ACCESS - sections 25 and 26

### 2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

### 2.2 Extension of time period

- The Information Officer/Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:
  - the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
  - the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
  - consultation is required with other departments of the WCG or other public bodies to decide upon the request: or the requester consented to an extension.

## 3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES - sections 47<sup>20</sup> and 48<sup>21</sup>

### 3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

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<sup>20</sup> Section 47 of PAIA - (1) The information officer of a public body considering a request for access to a record that might be a record contemplated in section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1) must take all reasonable steps to inform a third party to whom or which the record relates of the request.

(2) The information officer must inform a third party in terms of subsection (1)—

(a) as soon as reasonably possible, but in any event, within 21 days after that request is received or transferred; and  
(b) by the fastest means reasonably possible.

(3) When informing a third party in terms of subsection (1), the information officer must—

(a) state that he or she is considering a request for access to a record that might be a record contemplated in section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1), as the case may be, and describe the content of the record;  
(b) furnish the name of the requester;  
(c) describe the provisions of section 34 (1), 35 (1), 36 (1), 37 (1) or 43 (1), as the case may be;  
(d) in any case where the information officer believes that the provisions of section 46 might apply, describe those provisions, specify which of the circumstances referred to in section 46 (a) in the opinion of the information officer might apply and state the reasons why he or she is of the opinion that section 46 might apply; and  
(e) state that the third party may, within 21 days after the third party is informed—

(i) make written or oral representations to the information officer why the request for access should be refused; or  
(ii) give written consent for the disclosure of the record to the requester.

(4) If a third party is not informed orally of a request for access in terms of subsection (1), the information officer must give a written notice stating the matters referred to in subsection (3) to the third party.

<sup>21</sup> Section 48 of PAIA - (1) A third party that is informed in terms of section 47 (1) of a request for access, may, within 21 days after the third party has been informed—

(a) make written or oral representations to the information officer concerned why the request should be refused; or  
(b) give written consent for the disclosure of the record to the requester concerned.

(2) A third party that obtains knowledge about a request for access other than in terms of section 47 (1) may—

(a) make written or oral representations to the information officer concerned why the request should be refused; or  
(b) give written consent for the disclosure of the record to the requester concerned.

- a third party's personal information;
- a third party's trade secrets;
- a third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

### 3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

### 3.3 Decision on representation for refusal

The Information Officer/Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

## 4. **INTERNAL APPEAL – sections 74 and 75**

### 4.1 Requester

A requester may lodge and internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1,2 above);
- extend the period to give access (see 2.2 above).

### 4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

### 4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (Form 4 attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

## 5. **COMPLAINT TO INFORMATION REGULATOR- sections 77A and 77B**

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

#### 5.1 Requester

- A requester may complain to the Information Regulator in respect of:
  - an unsuccessful internal appeal;
  - a disallowed late appeal;
  - a refusal of a request for access to information;
  - a decision about fees;
  - a decision to extend the time to deal with a request; or
  - a decision to provide access in a particular form.

#### 5.2 Third party

- A third party may complain to the Information Regulator in respect of:
  - an unsuccessful internal appeal,
  - any grant of a request for access to information.

#### 5.3 Formal

A complaint to the Information Regulator must be made in writing in the prescribed form (Form 5 attached) within **180 days** of the decision giving rise to the complaint.

### 6. **APPLICATION TO COURT - section 78**

- 6.1 A requester or third party may apply to court for appropriate relief if an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.
- 6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case maybe.

**ANNEXURE B**  
[Fees]

**Fees in Respect of Public Bodies**

	<b>Description</b>	<b>Amount</b>
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	
	· If provided by requester	R40.00
	· If provided to the requester	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(i) Flash drive (to be provided by requester)	R40.00
	(ii) Compact disc	
	· If provided by requester	R40.00
	· If provided to the requester	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.  To not exceed a total cost of	R100.00  R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.