



MIDVAAL LOCAL MUNICIPALITY

PROMOTION OF ACCESS TO INFORMATION

**PREPARED IN
ACCORDANCE WITH SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION**

ACT

(ACT 2 OF 2000)

**COMPILED BY:
EXECUTIVE DIRECTOR:
CORPORATE SERVICES**

- 1.3 Updated Manual October 2008**
- 1.2 Updated Manual January 2007**
- 1.1 First Manual January 2003**

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1. FOREWORD

Information is an essential part of good governance. Therefore, meaningful participation by the public requires that they be fully informed. The Promotion of Access to Information Act 2000, which came into force on 9th March 2001, has great significance for the public service and the operation of government on their behalf. The Act also stipulates how people will have access to these records as well as how government should deal with requests for records and information held by government in general.

The Act allows citizens and organisations the right to access records held by government in a prescribed way. Therefore, it is required by the Act that any public body should put in place a system to handle requests for records.

Certain limited records are exempt and a request may be refused.

This manual is therefore an attempt to comply with legislation as stipulated in the Promotion of Access to Information Act 2000.

Included in this manual is an overview of the structure and functions of the Midvaal Local Municipality by the description of particulars of the information officer and his deputy.

2. DEFINITIONS

“Personal Requester”

Means a requester who is seeking to access a record containing personal information about that requester.

“Requester”

Means any person making a request for access to a record that is under the control of MLM.

“Third Party”

Means any natural or juristic person other than the requester or such party acting on behalf of the requester, or MLM itself.

3. FUNCTIONS

The powers and functions of Midvaal Local Municipality (“MLM”) are regulated by various statutes which includes:

- 3.1 Constitution Act 108 of 1996;
- 3.2 Local Government: Municipal Structures Act 117 of 1998;
- 3.3 Local Government: Transitional Act 209 of 1993;
- 3.4 Local Government: Municipal Systems Act 32 of 2000;

In terms of the aforesaid statutes these powers and functions of MLM include, inter alia:

- a) Ensure establishment and implementation of integrated development planning;
- b) Provision of portable water supply systems;
- c) Bulk supply of electricity, which includes for the purposes of such supply, transmission, distribution and the generations of electricity;
- d) Provision of bulk sewage purification works and main sewage disposal system;
- e) Solid waste disposal sites, insofar as it relates to
 - i. The determination of a waste disposal strategy;
 - ii. The regulation of waste disposal
 - iii. The establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district;
- f) Municipal roads which form an integral part of a road transport system;
- g) Regulation of passenger transport services;
- h) Provision of Municipal health services;
- i) Provision of fire fighting services, which includes:
 - i) Planning, co-ordination and regulation of the services;
 - ii) Specialized fire fighting services such as mountain, veld and chemical fire services;
 - iii) Co-ordination of the standardization of infrastructure, vehicles, equipment and procedures;
 - iv) Training of the fire officers.
- j) The establishment, conduct and control of fresh produce markets and abattoirs;
- k) The establishment, conduct and control of cemeteries and crematoria;
- l) Promotion of local tourism;
- m) Provision of Municipal public works relating to any of the above functions or any of the above functions assigned to the district municipality;
- n) The receipt, allocation and distribution of grants made to the municipality;
- o) The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned in terms of national legislation.

4. STRUCTURE OF MIDVAAL LOCAL MUNICIPALITY

The Midvaal Local Municipality was established from 6 disestablished local authorities; i.e. Randvaal, De Deur / Walkerville, Eikenhof, Meyerton, Suikerboshrand and Vaal Marina.

At a political level, MLM comprises of 19 councillors, 3 of which form the Mayoral Committee, which is led by the Executive Mayor, Cllr. Timothy Nast.

Administratively, the MLM is led by the Municipal Manager, **Mr. Albert De Klerk** with the assistance of six Heads of departments namely **Mr. T. Peeters (Corporate Services)** **Mr. B. Motsukunyane (Management Services)** **Mr Lensley (Protection Services)** **Ms. N. Hassim**, **Mr. Steph Coetzee (Engineering Services)** **Mr. Henry Human (Development & Planning)** and **Ms.W. van Niekerk**. The main offices of MLM are in Meyerton.

5. CONTACT DETAILS OF THE INFORMATION OFFICER AND HIS DEPUTY

5.1 INFORMATION OFFICER

Name : Mr Albert de Klerk
Position : Municipal Manager
E-mail Address : janetta@midvaal.gov.za
Telephone Number : 016 360 7411
Fax Number : 016 362 2794

5.2 DEPUTY INFORMATION OFFICER

Name : Mr Thom Peeters
Position : Executive Director – Corporate Services
E-mail Address : sanetn@midvaal.gov.za
Telephone Number : 016 360 7407
Fax Number : 016 360 7519

5.3 PHYSICAL & POSTAL ADDRESS

Corner of Mitchell & Junius Streets
Meyerton
1960

P.O. Box 9
Meyerton
1960

5.4 CONTACT DETAILS

Telephone Number : 016 360 7400
Fax Number : 016 360 7519

6. DESCRIPTION OF RECORDS AUTOMATICALLY AVAILABLE

In pursuance of Section 15(1) (a) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000), the following are the categories of records of Midvaal Local Municipality, that are automatically available without formal application in terms of the Act.

- 6.1** Annual budget
- 6.2** Financial Statements
- 6.3** Service Delivery Budget Implementation Plan (SDBIP)
- 6.4** Information manual of Midvaal Local Municipality in English, Afrikaans, South Sotho and Zulu.
- 6.6** Agenda of Council Meetings and Mayoral Committee
- 6.7** Minutes of Council Meetings and the Mayoral Committee Meetings.
- 6.8** Integrated Development Plan
- 6.9** Water and Services accounts

6.2 GENERAL INFORMATION ON MLM

- 6.2.1 General progress on the development of MLM;
- 6.2.2 By-Laws, regulations and policies promulgated by MLM and its predecessors;
- 6.2.3 Customer related records;
- 6.2.4 Social responsibility projects reports

6.3 INFORMATION TO BE FORMALLY REQUESTED IN TERMS OF THE ACT INCLUDES:

- 6.3.1 Statutory Documents;
- 6.3.2 Financial Records;
 - 6.3.2.1 Annual Financial reports
 - 6.3.2.2 Management reports
 - 6.3.2.3 Cheque returns
 - 6.3.2.4 Human resources
 - 6.3.2.5 Salary advices
 - 6.3.2.6 Employee's Leave records
 - 6.3.2.7 UIF returns
 - 6.3.2.8 Documentations on Policies and Conditions of Employment
 - 6.3.2.9 Documentation on Disciplinary matters
 - 6.3.2.10 Database of service recipients including but not limited to residents, customers etc
 - 6.3.2.11 Various agreements entered into between MLM and third parties
 - 6.3.2.12 Documents pertaining to Tenders and other procurement related matters

- 6.3.3 Agenda and minutes of the MLM Council and its various committees and sub committees
- 6.3.4 Internal correspondence
- 6.3.5 Internal policies and procedure
- 6.3.6 Records obtained from third parties held by officials of MLM.

7. **REQUEST PROCEDURE**

7.1 access to information that is not automatically available shall be requested by:

- 7.1.1 completing the prescribed form ("Request from") in Schedule 1
- 7.1.2 payment of the prescribed fee as stated in Schedule 2 hereto
- 7.1.3 the prescribed form must be completed with enough particulars to at least enable the Information Officer to identify the following particulars:-
 - 7.1.3.1 the records required by the requester
 - 7.1.3.2 the identity of the requester or the requester's agent (if any)
 - 7.1.3.3 what form of access is required, if the request is granted
 - 7.1.3.4 the telephone number, postal address or fax number of the requester
 - 7.1.3.5 the manner in which the requester wish to be informed of the decision of the Information Officer
 - 7.1.3.6 the capacity in which the request is made in the event the information is requested on behalf of somebody else
- 7.1.4 the requester must state that the information is required in order to exercise or protect a right, and clearly indicate what the nature of the right is to be exercised or protected. In addition the requester must clearly specify why the record is necessary to exercise or to protect such right.
- 7.1.5 After the Information Officer has made a decision on the request, the requester must be notified of such a decision in such manner, which the requester wanted to be notified in.
- 7.1.6 The requester must indicate if the request is for a copy of the record or if the requester wants to inspect the records at the offices of MLM.
- 7.1.7 Access to aforesaid information will only be granted to the requester in a manner requested unless such manner would unreasonably interfere with the running and operation of MLM or damage its record or infringe its copyright.
- 7.1.8 If for practical reasons, access cannot be given in the requested manner but in an alternative manner, then the fee for access will be calculated according to the manner that the requester had requested.
- 7.1.9 If the requester is unable to read or write, or has a disability, then they can make the request for the record orally, in which event the Information

Officer will complete the form on behalf of such requester and furnish the requester with such completed form.

7.1.10 MLM will process the request in 30 days, unless the request contains consideration that are of such a nature that an extension of the 30 day time limit is necessary.

7.1.11 Where an extension of the 30 day time limit is required, the requester shall be notified, together with the explaining why the extension is necessitated.

8. DECISION

8.1 The Information Officer (or person (s) properly authorized to fulfill such function in the absence of the Information Officer or deputy Information Officer) will, within 30 days after receipt of the request, decide whether to grant or decline the request and give notice with reasons (if so required by the requester) to that effect.

8.2 The 30 day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office of MLM, and the information cannot reasonably be obtained within the original 30 day period.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds upon which MLM could refuse access to records relate to:

9.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.

9.2 Mandatory protection of the commercial information of a third party, where the requested records contain:

9.2.1 trade secrets of that third party

9.2.2 financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of that third party.

9.2.3 information disclosed in confidence by a third party to the institution, if the disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition.

9.3 Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.

10. REMEDIES AGAINST REFUSAL OF ACCESS TO INFORMATION

10.1 if after complying with the procedural requirements mentioned in 6 above:

10.1.1 the Deputy Information Officer refuses to grant access to information; and such refusal is not based on any ground of refusal mentioned in the Act;

The requester may appeal against the decision of the Deputy Information Officer.

10.2 If the requester is not satisfied with the decision of the Information Officer as stated in 5.4.3 above, then an appeal may be lodged with the Executive Committee of MLM.

10.3 The requester may lodge a Court application for further relief if not satisfied with the appeal decision of the appeal decision of the Executive Committee in clause 9.2 above.

11. SERVICES AVAILABLE

11.1 Nature of Services

MLM has the following services available to the public:

11.1.1 **Engineering Services**

- Electricity
- Water & Sanitation
- Solid Waste
- Roads
- Storm Water
- Fleet Management
- Civil Works

11.1.2 **Social Services**

- Health & Social development
- Sports and Recreation, Arts & Culture
- Libraries
- Environmental Health
- Parks & Recreation facilities
- Waste Management

11.1.3 **Corporate Services**

- Auxiliary Services
- Committees
- Information technology
- Corporate & Legal

- Marketing
- Building Maintenance

11.1.4 **Development & Planning**

- Economic Development
- Development & Planning
- Integrated Development Planning
- Building Control

11.1.5 **Protection Services**

- Public Safety
- Traffic
- Licensing
- Police
- Fire and Emergency

11.1.6 **Finance**

- Collection of rates and taxes
- Procurement
- Budget
- Asset Register
- Salaries
- Valuation Roll

11.1.7 **Management Services**

- Recruitment & Selection
- Training & Internship
- Employee Benefits
- Labour Relations
- EAP & HIV & AIDS

Request for access to record of public body

(Section 18 of the Promotion of Access to Information Act, 2000(Act 2 of 2000)
(Regulation 6)

FOR DEPARTMENTAL USE

Reference number : _____
Request received by _____
(state rank, name and surname of information/deputy information Officer) on _____
(date)
at _____ (place)

Request fee (if any) R

Deposit (if any) R.....

Access fees (if any) R.....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. PARTICULARS OF PUBLIC BODY

The information Officer/Deputy Information Officer :

B. Particulars of person

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

Full Names and Surnames: _____

Identity Number _____
Postal Address _____

Telephone Number _____ E-mail address: _____
Capacity in which request is made, when made on behalf of another person : _____

C. Particulars of person on whose behalf request is made

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

Full names and Surnames: _____
Identity Number: _____

D. Particulars of record

- (a) Provide full particulars of record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all additional folios.

1. Description of record or relevant part of the record: _____

2. Reference Number if available _____

3. Any further particulars of record: _____

E. FEES

(a) A requester for access to record, other than a record containing personal information about yourself, will be processed only after a request has been paid.

(b) You will be notified of the amount required to be paid as the request fee

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment, please state the reason for exemption.

Reason for exemption for payment of fees _____

F. Form for access to record

If you are prevented by a disability to read, view or listen to record, the form of access provided for 1 to 4 below, state disability and indicate in which form the record is required.

| | |
|---|--|
| Disability _____ _____ | Form in which is required _____ _____ |
| Mark the appropriate box with an x NOTES : (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstance. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested | |

1. If record is written or printed form :

| | |
|----------------|-------------------|
| Copy of record | Inspection record |
|----------------|-------------------|

2. If record consists of visual images-
 (this includes photographs, slides, video recordings, computer generated images , sketches, etc.

| | | |
|-------------|-------------|-------------------------|
| View images | Copy images | Transcription of images |
|-------------|-------------|-------------------------|

3. If record consist of recorded words or information which can be reproduced in sound:

| | |
|---|---|
| Listen to the sound track (audio) cassette | Transcription of soundtrack (written or printed document) |
|---|---|

4. If record is held on computer or in an electronic or machine readable form

| | | |
|------------------------|---|---|
| Printed copy on record | Printed copy of information derived from record | Copy in computer readable form(stifty, or compact disc) |
|------------------------|---|---|

| | | |
|--|------------|-----------|
| If you requested a copy of transcription of a record (above) do you the copy of transcription to be posted to you? Postage payable | YES | NO |
| Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available. | | |
| In which language would you prefer the record? _____ | | |

Who can I request information from ?

Under PAIA you can request from State bodies or from private bodies.

An important difference between the two is described as follows”

- . From a public body you do not need to give reasons why you want the information.
- . From a private body you need to be able to show why the information is needed to protect one of your rights.

What can be requested?

- . The Act talks about “a record” – this is any piece of information that has been written, down or recorded in some other manner
- . There is no obligation on the Municipality to create records under PAIA – you may also request information that is already there.

Who can request information?

Two categories of people who can request information

- . Companies
- . Personal requesters – someone with personal interest (information

Who must make a decision?

The Municipal Manager as Information Officer

- . In terms of the Act delegated to Information Officer, he/she appoint a Deputy Information Officer to make decisions on his/her behalf.
- . In Midvaal, the Executive Director: Corporate Services appoints departmental Managers to facilitate access to information.

Who else should be considered?

If the information requested affects another person’s rights, that person must be consulted before the Information Officer can resolve on the request.

What is going to cost you?

The first principle of PAIA is that it shouldn't cost the Municipality anything, to provide information. The information requested must therefore already be recorded in some form or another.

Prescribed fees have been published in the government Gazette.

A requester will have to pay subject to various conditions and fees scales:-

- . A request fee
- . Access fee
- . Search fee
- . Postage fee

What are the grounds for refusal?

- . Right to privacy – a request may be denied if someone's right to privacy will be undermined
- . Safety of individuals or property should not be compromised by disclosure of information
- . Commercial secrets and research information, information which is integral to business success can be withheld.
- . Law enforcement – should not be compromised by the disclosure of information
- . Information that constitutes legal privilege between the lawyer and client can be withheld.
- . Information which is related the defence, security, international relations, economic interest and financial welfare of South Africa does not need to be disclosed.
- . Before a decision is made, information that is critical to the decision can be withheld, but will need to be disclosed after that decision has been made
- . A request for information can be withheld if a request is frivolous or vexatious.

Internal Appeal

- . An internal appeal may be lodged against a decision of the Information Officer by a requester who is refused a request for information, or by a third party who feels their rights have been compromised by the decision to grant information
- . If the parties are unhappy with the decision of the appeal process, they may take the matter on judicial review (*launch an application within a court against the decision*)

PRESCRIBED FEES SCALES**SCHEDULE 2****PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002 FEES IN RESPECT OF PUBLIC BODIES**

- | | |
|--|-------|
| 1. The fee for a copy of the manual as contemplated in regulation 5(c) is for every photocopy of a A4 size page or part thereof. | R0,60 |
| 2. The fees for reproduction referred to in regulation 7 (1) are as follows: | |
| (a) For every photocopy of an A4 size page or part thereof | 0,60 |
| (b) For every printed copy of an A4 size page or part thereof held on a computer or an electronic or machine readable form. | 0,40 |
| (c) For a copy in a computer – readable form on-stiffy disc | 5,00 |
| compact disc | 40,00 |
| (d) (i) For a transcript of visual images for an A4 size page or part thereof | 22,00 |
| (ii) For a copy of a visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4 | 12,00 |
| (ii) For a copy of an audio record | 17,00 |
| 3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2) is R 35,00 | |
| 4. The access fees payable by a requester referred to in regulation 7 (3) are as follows: | |
| (1) (a) For every photocopy of an A4 – size page | |
| (b) For every printed copy of an A4 size page or part thereof held on a computer or electronic or machine readable form | 0,60 |
| (c) For a copy in a computer – readable form on | 0,40 |
| (d) (i) For a transcription of visual images, for an A4 size page or part thereof | 40,00 |
| (ii) For a copy of visual images | 22,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page Thereof | 60,00 |
| (ii) For copy of an audio record | 12,00 |
| (f) To search and prepare the record for disclosure, R15.00 | 17,00 |

for each hour, excluding the first hour, reasonably required for such search and preparation

- (5) For purposes of section 22(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit payable:
 - (b) One third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.