

# NON-GOVERNMENTAL ORGANIZATION

# MANUAL

*IN ACCORDANCE WITH*

## THE PROMOTION OF ACCESS TO INFORMATION (14/2000) THEEWATERSKLOOF MUNICIPALITY

# **MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION FOR THEEWATERSKLOOF MUNICIPALITY**



**In terms of Section 14 of the Promotion  
of Access to Information Act, 2000  
[Act 2 of 2000]**

**Updated : April 2017**

**Compiled by : Marelize Faul**

## 1. INTRODUCTION

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The Promotion of Access to Information Act, No 2 of 2000 [“the Act”] was enacted on 03 February 2000, giving effect to the constitutional right of access to, inter alia, any information held by the State, subject to justifiable limitations, including but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance in a manner which balances that right with any other right, including the Bill of Rights in the Constitution.

The Act also sets out the requisite procedural issues attached to a request for information.

Please note that wherever reference is made to “Public Body” in this manual, it will refer to Theewaterskloof Municipality [“the Municipality”], a public body within the local sphere of government, for whom this manual is drafted.

## 2. PURPOSE AND SCOPE OF THIS MANUAL

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Section 14 of the Act obliges the Information Officer [Municipal Manager] of public bodies like the Theewaterskloof Municipality, to compile a manual which would assist a person to obtain access to information held by such public body and stipulates the minimum requirements such manual has to comply with.

**As required under Section, this Manual contains the following information :**

- A description of the Municipality’s structure and functions;
- The postal and street address, phone number, fax number and electronic mail address of the Information Officer as well as of the Deputy Information Officer designated;
- A description of the Guide compiled by the South African Human Rights Commission and how to access it;
- Sufficient detail to facilitate a request for access to a record of the Municipality;
- A description of the subjects on which the Municipality holds records and the categories of records held on each subject;
- Categories of records of the Municipality which are available without a person having to request access;
- A description of the services available to members of the public from the Municipality and how to gain access to those services;
- A description of any arrangements or provision for a person by consultation, making representations or otherwise, to participate in or influence;
- The formulation of policy; or
- The exercise of powers or performance of duties by the Municipality;
- A description of all remedies available in respect of an act or a failure to act by the Municipality; and
- Such other information as may be prescribed.

### **3. DESCRIPTION OF THE STRUCTURE AND FUNCTIONS OF THE MUNICIPALITY [SECTION 14(1)(a)]**

In terms of Section 9 of the Local Government : Municipal Structures Act [No. 117 of 1998], Theewaterskloof Municipality is a Category B municipality [in terms of the Local Government Municipal Demarcation Act, Act No 27 of 1998] with an Executive Mayoral System with a Ward Participatory System.

The Theewaterskloof Municipality was instituted on 22 September 2000 in accordance with a Section 12 Notice – Provincial Notice No. PN 493/2000 dated 22 September 2000. Several Amendment Notices was issued with the latest dated 08 April 2016 – Provincial Notice No. PN 118/2016.

#### **STRUCTURE OF THE MUNICIPALITY**

The Municipality comprises of the Council and its Administration.

At a political level the Municipality comprises of 27 Councillors [15 Ward Councillors and 12 Proportional Representatives].

#### **FUNCTIONS OF THE MUNICIPALITY**

The Municipality has legislative authority and is empowered to govern, on its own initiative, the local governmental affairs of its community, subject to national and provincial legislation, as provided for in the Constitution and other relevant legislation.

**The Municipality operates within a legislative framework which consists of various statutes, which include :**

- The Constitution of the Republic of South Africa [Act 108 of 1996];
- The Local Government : Municipal Structures Act [Act 117 of 1998];
- The Local Government : Municipal Systems Act [Act 32 of 2000]; and
- The Local Government : Municipal Finance Management Act [Act 56 of 2003].

The Municipality's function is to carry out its constitutional mandate, by striving within its financial and administrative capacity to achieve the objects of local government, viz :

- To provide democratic and accountable government for local communities;
- To ensure the provision of services to communities in a sustainable manner;
- To promote social and economic development;
- To promote a safe and healthy environment; and
- To encourage the involvement of communities and community organisations in the matters of local government.

**In terms of the aforesaid Statutes, the powers and functions of Theewaterskloof Municipality include, inter alia :**

- (a) Ensuring integrated development planning;
- (b) Provision of potable water supply systems;
- (c) Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and the generation of electricity;
- (d) Provision of bulk sewerage purification works and main sewage disposal systems;
- (e) Solid waste disposal sites, insofar as its 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;
- (f) Municipal roads which form an integral part of a road transport system;
- (g) The establishment, conduct and control of cemeteries;
- (h) Promotion of local tourism;
- (i) Provision of Municipal public works relating to any of the above functions or any other functions assigned to the municipality;
- (j) The receipt, allocation and distribution of grants made to the Municipality; and
- (k) 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. FUNCTIONS OF THEEWATERSKLOOF MUNICIPALITY [SECTION 14(1)(a)]**

The functions of Theewaterskloof Municipality as prescribed by Section 84(1) of the Local Government Structures Act and adjusted by the Minister and MEC responsible for local government in terms of Sections 84(3) and 85 of the said Act respectively are as follows :

##### **ADMINISTRATION**

1. Archives and Record Keeping
2. Communication and Correspondence Management
3. Councillor Support
4. Committee Management
5. Information Technology
6. Legal Assistance
7. Performance Management System

##### **HUMAN RESOURCES**

1. All legislative and administrative functions pertaining to staff
2. Recruitment and Appointment of personnel
3. Job Descriptions and Job Evaluations
4. Injury on Duty
5. Implementation of Skills Act
6. Implementation of the Employment Equity Act
7. Staff training
8. Councillor training
9. Local Labour Forum and Sub-Committees of the Local Labour Forum

##### **FINANCIAL SERVICES**

1. Supply Chain Management which includes Procurement Management
2. Stock control Register
3. Creditors
4. Municipal Banking and Investments
5. Municipal Insurance
6. Asset Management
7. Grants
8. Credit Control and Debt Collection
9. Tariffs, availability fees and connection fees for Municipal Services
10. Indigent Support / Equitable Shares

11. Property Valuations
12. Budget

### **INTERNAL AUDIT**

Internal Auditing of the entire Municipality

### **AMENITIES AND INFRASTRUCTURE**

1. Electricity
2. Street lighting
3. Water Supply
4. Storm Water Management
5. Road Maintenance
6. Waste water and Sewerage disposal
7. Sanitation
8. Landfill sites
9. Transfer stations
10. Cemeteries
11. Sport and Recreation
12. Municipal Parks
13. Libraries
14. Municipal Building Maintenance

### **HEALTH, ENVIRONMENTAL AND COMMUNITY SERVICES**

1. Refuse removal
2. Town cleaning
3. Environmental and Conservation services

### **SAFETY AND SECURITY**

1. Traffic Law Enforcement
2. Disaster Management [Assisting the Overberg District Municipality]
3. Fire and Rescue Services [Assisting the Overberg District Municipality]
4. Occupational Health and Safety
5. Risk Management

### **PLANNING AND BUILDING CONTROL**

1. Integrated Development Plan
2. Structure Plan
3. Town Planning Services
4. Building Control Services
5. Bylaws and Policy development
6. Trading legislation and the enforcement thereof
7. Events legislation and the enforcement thereof
8. Spatial Development Framework

### **ECONOMIC DEVELOPMENT**

1. Local Tourism
2. Local Economic Development

**LAND, RURAL AND AGRICULTURAL DEVELOPMENT**

1. Rendering of services in all areas under its jurisdiction including in previously disadvantaged areas
2. Acquisition and alienation of land and buildings
3. Leasing of land and buildings
4. Impounding of stray animals
5. Squatter control

**HOUSING DEVELOPMENT**

1. Housing Development
2. Housing Administration

**5. CONTACT DETAILS OF THEEWATERSKLOOF MUNICIPALITY [SECTION 14(1)(b)]**

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1. Street address  
6 Plein Street  
CALEDON  
7230
  2. Postal address  
P.O. Box 24  
CALEDON  
7230
  3. Telephone number  
028-2143300
  4. Fax number  
028-2141289
  5. E-mail address  
[twkmun@twk.org.za](mailto:twkmun@twk.org.za)
  6. Website address  
[www.twk.gov.za](http://www.twk.gov.za)

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## 6. CONTACT DETAILS OF THE INFORMATION OFFICER AND THE DEPUTY INFORMATION OFFICER [SECTION 14(1)(b)]

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1. Information Officer  
Position of Municipal Manager currently vacant
2. Deputy Information Officer  
Ms M Faul – Manager: Corporate Services
3. Street address  
6 Plein Street  
CALEDON  
7230
4. Postal address  
P.O. Box 24  
CALEDON  
7230
5. Telephone number  
028-2143300
6. Fax number  
028-2141289
7. E-mail address  
[twkmun@twk.org.za](mailto:twkmun@twk.org.za)



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## 7. THE HUMAN RIGHTS COMMISSION GUIDE [SECTION 14(1)(c)]

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A guide has been compiled by the Human Rights Commission in terms of Section 10 of the Act, which contains information required by a person wishing to exercise any right, contemplated by the Act. The Guide is available in all of the official languages from the PAIA Unit of the Human Rights Commission, who may be contacted at :

**Physical Address :**

29 Princess of Wales Terrace  
Cnr of York and St Andrews Street  
Parktown

**Postal Address :**

Private Bag x 2700  
Houghton  
2041

**Telephone nr :** +27 11 484 8300

**Fax nr :** +27 11 484 1360

**Website address :** [www.sahrc.org.za](http://www.sahrc.org.za)

**Email address :** [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 8. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE MUNICIPALITY [SECTION 14(1)(d)]

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“**Records**” of Theewaterskloof Municipality refer to those records created or received in the course of official business and which are kept as evidence of the Municipality’s functions, activities and transactions.

There are different forms of records, for example **correspondence files, maps, plans, registers, agendas and minutes, bylaws, tariffs, policy documents, etc**, which could be available in different media formats, i.e. paper or electronic.

“**Annexure A**” gives a description of the subjects on which the Municipality holds records, as well as the categories held on each subject.

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## 9. RECORDS AND ACCESS TO RECORDS HELD BY THE MUNICIPALITY [SECTION 14(1)(d)]

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The method of managing records in the Municipality is in accordance with national archive requirements. It should be noted that inclusion in the following list of records does not mean that the files or records are necessarily accessible under the Promotion of Access to Information Act. The Act prohibits a public body from allowing access, and/or allows the public body to refuse access, to certain types of information. Chapter 4 of the Act deals with the grounds for refusal of access to records.

### INFORMATION TO BE FORMALLY REQUESTED IN TERMS OF THE ACT INCLUDES INTER ALIA :

- Records Management documents – Correspondence files and Records Control Schedule not included in Section 15 Report;
- Documents pertaining to tenders and proposal calls after public opening [excluding evaluations and recommendations to the Municipal Manager];
- Town Planning applications – individual zonings and conditions, building plans;
- Land available for housing and Housing projects;
- Land available for developmental purposes.

## 10. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS [SECTION 15]

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The records as set out in “**Annexure B**” are automatically available without a person having to request access in terms of the Act, but where appropriate, remain subject to review by the Information Officer or Deputy Information Officer in terms of Section 15(4) of the Act.

All other records must be formally requested as provided for in this Manual. The only fee payable, if any, for access to these records is the prescribed fee for reproduction.

Where a request for information cannot be met, a requester shall be :

- Informed of his/her right to make a formal application under the Act;
- Informed of the fact that certain types of requests for information may be refused;
- Informed of his/her right to appeal if a request is initially refused.

## 11. REQUEST FOR ACCESS [SECTION 11]

### **ACCESS GIVEN**

When a record/information is requested in terms of the Act, the requester must be given access thereto, if the requester complies with the following :

“All the procedural requirements in the Act, relating to the request for access to a record; and access to the record is not refused on any ground of refusal mentioned in the Act.”

### **FORM OF REQUEST [SECTION 18(1)]**

Access to information which is not automatically available must requested in writing on the prescribed form (**Form A**), attached hereto as “**Annexure C**” and be forwarded to the Information Officer or Deputy Information Officer.

#### **The application form must be accompanied by the prescribed request fee.**

The application should clearly state what information is required and if the request is for a copy of a record, or whether the requester would like to view the record at the office of the Municipality.

If a person asks for access in a particular form, the requester would be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the Municipality or would damage its records or infringe a copyright not owned by the Municipality.

If the requester wishes to be informed of the decision regarding the request in any other manner, e.g. telephonically, by fax or email, in addition to a written reply, it must be indicated as such.

In cases where the requester is asking for information on behalf of somebody else, the capacity in which the request is being made should be indicated and proof thereof provided.

When a requester is unable to read or write or has a disability, the request can be made orally, in which event the Information Officer or Deputy Information Officer will complete the form on behalf of the requester.

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.

The Information Officer or Deputy Information Officer will render such reasonable assistance, free of charge, as is necessary to enable the requester to comply with Section 18(1).

If a requester has made a request for access that does not comply with Section 18(1), the Information Officer/Deputy Information Officer concerned may refuse the request if he/she has :

Notified the requester of an intention to refuse the request and stated in the notice –

The reasons for the contemplated refusal; and that the Information Officer/Deputy Information Officer, or another Official, would assist the requester in order to make the request in a form that would remove the grounds for refusal; given the requester a reasonably opportunity to seek such assistance; as far as reasonably possible, furnished the requester with any information that would assist the making of the request in that form; and given the requester a reasonably opportunity to confirm the request or alter it to comply with Section 18(1).

**TRANSFER OF REQUESTS [SECTION 20]**

If a request for access is made for information which is not in the possession of the Municipality, or if the information is more closely connected to another public body, the Information Officer/Deputy Information Officer will assist the requester to make the request to the relevant Information Officer/Deputy Information Officer of the other body, or transfer the request to the other body within 14 (fourteen) days after the request has been received.

**FEES PAYABLE [SECTION 22]**

In terms of the Act, two types of fees are required to be paid, namely the **request fee** and the **access fee**.

A requester who seeks access to a record containing personal information about him or herself, the requester, is not required to pay the request fee. Every other requester must pay the relevant request fee.

The Information Officer/Deputy Information Officer will notify the requester to pay the prescribed fee, if any, before further processing the request. The prescribed request fee payable is set out in “**Annexure D**”. The requester may also be notified to pay a deposit under certain circumstances.

The requester may lodge an internal appeal or an application to the court against the payment of the request fee.

Certain persons, as set out in “**Annexure E**”, are exempted from paying access fees.

**RECORDS NOT FOUND OR DO NOT EXIST [SECTION 23]**

In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer/Deputy Information Officer will by means of an affidavit/affirmation, inform the requester accordingly, giving full reasons.

**DEFERRAL OF ACCESS [SECTION 24]**

Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representations within 30 (thirty) days as to why the information is required prior to it becoming public.

**DECISION ON REQUEST AND NOTICE THEREOF [SECTION 25]**

The Municipality will respond to the request within 30 (thirty) calendar days, unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is necessitated. Where an extension of the 30 day time limit is required, the requester shall be notified accordingly, together with an explanation why such extension was necessitated. The time limit may be extended only once, for a further period of 30 days in terms of Section 26.

If the Information Officer/Deputy Information Officer fails to give the decision on a request for access to the requester within the periods as set out here above, the Information Officer/Deputy Information Officer is regarded as having refused the request in terms of Section 27.

If the request is granted, a further access fee as set out in “**Annexure D**” must be paid for the search, preparation and reproduction of the record, where applicable.

The requester will be given the required information, if available, within the reasonable time after receipt of the application form and prescribed fee.

**LANGUAGE OF ACCESS [SECTION 31]**

The record will be made available in the language preferred by the requester, if it exists in that language, or, if it does not exist in that language or the requester has no preference or has not indicated a preference, in any language it exists in.

**12. REFUSAL OF ACCESS TO CERTAIN RECORDS [CHAPTER 4]**

As indicated here above, the right of access to information is subject to justifiable limitations, including but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances that right with any other right, including the Bill of Rights in Chapter 2 of the Constitution.

Section 9(b)(ii) recognizes that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the bill of Rights in the Constitution. The Information Officer/Deputy Information Officer may refuse access to certain records under the circumstances as provided for in sections 33 to 46 in Chapter 4 of the Act. (See “**Annexure F**”.)

**13. THIRD PARTY NOTIFICATION AND INTERVENTION [CHAPTER 5]****NOTICE TO THIRD PARTIES [SECTION 47]**

The Information Officer/Deputy Information Officer considering a request for access to a record of a third party must take all reasonable steps to inform a third party to whom or which the record relates of the request as soon as reasonably possible, but in any event, within 21 days after the request is received, by the fastest means reasonably possible. The third party may, within 21 days after being so informed, make written or oral representations to the Information Officer/Deputy Information Officer why the request should be refused or may give written consent for the disclosure of the record to the requester.

**DECISION ON REPRESENTATIONS BY THIRD PARTIES [SECTION 49]**

The Information Officer/Deputy Information Officer must, within 30 days, decide whether to grant the request for access and notify the third party accordingly.

If the request for access is granted the notice must state :

- (a) Adequate reasons for granting the request, including the provisions of this Act relied upon;
- (b) That the third party may lodge an internal appeal or an application, as the case may be, against the decision within 30 days after notice is given, and the procedure for lodging the internal appeal or application; and
- (c) That the requester will be given access to the record after expiry of the applicable period,
- (d) Unless such internal appeal or application with a court is lodged within that period.

## **14. INTERNAL APPEALS AGAINST DECISIONS OF INFORMATION OFFICERS [PART 4 – CHAPTER 1 OF THE ACT]**

### **RIGHT OF INTERNAL APPEAL [SECTION 74]**

A requester may lodge an internal appeal with the Municipality against a decision of the Information Officer or Deputy Information Officer, if :

- A request for access is refused;
- The fees charged are unacceptable.

The period within which a decision with regard to access to a record must be made, is extended; and access to a record is not provided in the requested form; and a third party may lodge an internal appeal with the Municipality against a decision by the Information Officer/Deputy Information Officer to disclose information relating to that third party.

### **APPEAL PROCEDURE AND FEES [SECTION 75]**

An internal appeal must be lodged on the prescribed form (**Form B**), which is attached as “**Annexure G**”, within the following periods :

- A period of 60 (sixty) days;
- If notice to a third party is required i.t.o. Section 49(1)(b), within 30 (thirty) 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.

### **THE INTERNAL APPEAL**

An internal appeal must :

- Be delivered, posted, faxed or sent electronically to the Information Officer or Deputy Information Officer;
- State the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply;
- Identify the subject of the internal appeal and state the reasons for the appeal;
- If applicable, be accompanied by the prescribed appeal fee(s); and
- Specify a postal address, fax number or e-mail address.

The Information Officer or Deputy Information Officer must, within ten (10) working days after the receipt of an internal appeal, submit it, together with his/her reasons for the decision, to the Relevant Authority, namely the Speaker, or in his absence the Executive Mayor or any other person designated by the Municipal Council in writing, for consideration.

If an internal appeal is considered against the refusal of a request for access to a record of a third party, the third party to whom or which the record relates, must be informed of the internal appeal and he/she may, within 21 days after being so informed, make written representations why the request for access should not be granted or give written consent for the disclosure of the record to the requester concerned.

### **DECISION ON INTERNAL APPEAL AND NOTICE THEREOF [SECTION 77]**

When deciding on the internal appeal the Relevant Authority may confirm the decision appealed against or substitute a new decision for it, within 30 days after the internal appeal is received by the Information Officer/Deputy Information Officer.

The Relevant Authority will immediately after the decision on an internal appeal give notice of the decision to the appellant and any relevant third party, state adequate reasons for the decision, and that the appellant, third party or requester, as the case may be, may lodge an application with a court against the decision on internal appeal within 60 days; or, if notice to a third party is required, within 30 days after notice is given, and also state the procedure for lodging the application.

If the Relevant Authority fails to give notice of the decision on an internal appeal to the appellant within the periods indicated here above, it is regarded as having dismissed the internal appeal.

## **15. APPLICATIONS TO COURT [PART 4 – CHAPTER 2 OF THE ACT]**

A requester or third party may make an application to a Court regarding the decisions of the Information Officer/Deputy Information Officer, but only after the internal appeal process has been exhausted.

A requester may make an application to a Court, if he/she is :

- Aggrieved by the decision of the Information Officer or Deputy Information Officer to disallow the late lodging of an internal appeal;
- Aggrieved by the decision of an Information Officer or Deputy Information Officer of a public body, other than the Information Officer of a National Department, Provincial Administration or Municipality to refuse a request for access;
- Aggrieved by the decision of an Information officer or Deputy Information Officer relating to fees required to be paid, the extension of the period within which to deal with the request or the form of access in which the information will be furnished.
- Apply to a Court by way of an application for appropriate relief i.t.o. Section 82, within 30 days.

## **16. ARRANGEMENTS ALLOWING FOR PUBLIC PARTICIPATION [SECTION 14(1)(g)]**

Section 14(1)(a) of the Act requires the Municipality to make arrangements or provisions for a person, by consultation, to make representations to participate in or influence the formulation of policy or the exercise of powers or performance of duties by the Municipality.

Public participation in a local government context is governed by the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and the Municipal Structures Act, 1998 (Act 117 of 1998).

The purpose of the public participation process is to ensure that the Municipality, as well as the broader community, co-owns the public participation process and the end product.

The Municipality seeks actively to facilitate the engagement of the community in its planning and policy making processes, through public hearings and ward based public meetings in the annual review of its Integrated Development Plan [IDP].

The IDP Section and Councillor Support Section concentrate on involving the community in Council's public processes and planning, such as the finalization of the Annual Budget and the annual IDP review.

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**17. ANY OTHER INFORMATION AS PRESCRIBED BY LEGISLATION [SECTION 14(1)(i)]**

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The Minister of Justice and Constitutional Development, in terms of Section 92 of the Promotion of Access to Information Act, 2000 [Act 2 of 2000] promulgated the following regulations :

1. 2001 – Regulations relating to the Promotion of Access to Information [R.223 of 09 March 2001]
2. 2002 – Regulations relating to the Promotion of Access to Information [R.187 of 15 February 2002]
3. 2003 – Amendment of regulations regarding the Promotion of Access to Information Act, 2000 (English or Afrikaans) [Notice 25411]
4. 2003 – Amended Regulations – The Minister of Justice and Constitutional Development has, under section 92 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), made the regulations in the Schedule. [R124 – English or Afrikaans];
5. 2006 – Government Notice R.990 of 13 October 2006 was published in Gazette 29278 dated 13 October 2006. Amendment to the PAIA regulations Section 91(a)(7) and Section (2(4)).
6. 2007 – Amendment of Regulations – Insertion of Regulation 5A and 9A (English or Afrikaans) [R.466]



## **“ANNEXURE A”**

### **SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE MUNICIPALITY**

(These records are available subject to a person having to request access in terms of the Act and subject to such information not being excluded from disclosure in terms of the Act.)

#### **Legislation**

- § National Acts applicable to local government.
- § Provincial Acts applicable to local government.
- § Municipal Ordinances / Bylaws / Policies
- § Regulations, notices and proclamations applicable to Local Government and the Municipality.

#### **Organisation and Control**

- § Delegation of Powers
- § Records Management – Filing System / Records Control Schedule / Records Management Policy / Registry Procedure Manual

#### **Political System**

- § Agendas en Minutes of all meetings of Political Structures
- § Rules of Order for the Internal Arrangements of the Municipal Council
- § Information regarding all Councillors
- § List of Councillors representing the Council on external organisations
- § Information regarding the Junior Town Council
- § Information regarding the Ward Committee System

#### **Human Resource Management**

- § Personnel Structure
- § Recruitment and Selection of personnel [Advertisements]
- § Job Descriptions
- § Human Resource Policies and Procedures including Conditions of Service
- § Training statistics
- § Occupational Health & Safety
- § Union Representatives
- § Risk Management : Risk register

#### **Financial**

- § Capital and Operating Budget
- § Property Valuations including Valuation Rolls
- § Funds : Name, purpose and financial standing
- § Investments : Investment amount, institution, terms.
- § Insurance Portfolio : Insurer, premium, ensured risks.
- § Losses suffered : Details, actions taken to prevent repetition, reports and returns.
- § Asset Management : Asset register
- § Audit reports [Internal and External]
- § Bank accounts : Name of banker, reports and statements
- § Collection of monies : Statistics
- § Tariffs : Rates, taxes, fees and levies on surcharges
- § Equitable share : Details of government allocations

**Land and Buildings**

- \$ Land and Buildings leased for municipal purposes : Description and details
- \$ Land and Buildings purchase for municipal purposes : Description and details
- \$ Land and Buildings sold : Description and details

**Tenders and Contracts**

- \$ Supply Chain Management : Financial information regarding tenders, quotations, contracts and proposal calls.

**Reports and Statistics**

- \$ Related information and correspondence in respect of the Annual Report
- \$ Related information and correspondence in respect of the Oversight Report
- \$ Reports to other organs of state
- \$ Internal reports and statistics

**Publications and Information**

- \$ Press and other media releases
- \$ Brochures and newsletters
- \$ Information requested / Complaints logged by the public

**Legal Matters**

- \$ Legal Opinions
- \$ Legal actions instituted by the Municipality
- \$ Legal actions instituted against the Municipality

**Licences and permits**

- \$ Vehicle licences
- \$ Drivers licences
- \$ Trading licences
- \$ Liquor licences

**Integrated Development Plan [IDP]**

- \$ Related information and correspondence in respect of the IDP
- \$ Projects identified in IDP
- \$ Performance Management System
- \$ Service Delivery Budget Implementation Plan [SDBIP]

**Town Planning and Building Control**

- \$ Town Planning applications – individual zonings and conditions, building plans;
- \$ Spatial Development Framework
- \$ Structure Plan
- \$ Zoning Scheme Regulations

**Essential Services / Infrastructure Services**(a) Water supply:

- § Construction and maintenance of water supply schemes/reservoirs/boreholes /dams/pump stations
- § Maintenance and operation of networks
- § Water restrictions
- § Servitudes
- § Monitoring services

(b) Electricity supply:

- § Maintenance and upgrading of network, street lights and miniature sub-stations

(c) Roads, Streets and Storm Water:

- § Maintenance and upgrading of roads, streets, sidewalks and storm water drainage.

(d) Sewer Network:

- § Maintenance and upgrading of sewer networks

(e) Cemeteries:

- § Maintenance of cemeteries
- § Applications: Burial site and Exhumations and Re-burials
- § Cemetery Register

(f) Sewage Purification Works:

- § Maintenance, upgrading and operation of sewage purification works
- § Permit
- § Monitoring services

(g) Refuse Removal, Landfill Sites and Transfer Stations:

- § Business, household and bulk volume refuse removal
- § Maintenance and operation of landfill sites and transfer stations
- § Permit

(h) Disaster Management:

- § Disaster Management Policy

**Community Services**(a) Traffic Services:

- § Maintenance and upgrading of Test Stations and Traffic Offices
- § Consent Applications in respect of processions, rallies, gatherings
- § Applications, erection and maintenance of road signs and markings
- § Fines – processing details i.e. fines, summons, court rolls, etc.

(b) Library Services:

- § Maintenance of libraries
- § Books/video tapes/Laser discs

(c) Housing:

- § Housing applications and approvals
- § Housing waiting lists
- § Housing projects
- § Housing contracts

**“ANNEXURE B”****FORM D****AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS :**

**[Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)]  
[Regulation 5A]**

<b>DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000</b>	<b>MANNER OF ACCESS TO RECORDS (SECTION 15(1)(b))</b>
<b>FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)</b>	
<p>1. <u>Business details</u> Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, facilities, amenities.</p>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<p>2. <u>Councillors</u> (Including the Executive Mayor, Executive Deputy Mayor, Speaker and Office Bearers) Information regarding each Councillor's -</p> <ul style="list-style-type: none"> <li>▪ Name, address, telephone numbers</li> <li>▪ Ward/Proportional, political party</li> <li>▪ Position in Council e.g. Committee Membership, whether full-time or part-time</li> <li>▪ Representation on outside bodies</li> </ul>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>

<p><u>3. Agendas en Minutes</u> Agendas and Minutes of all meetings of Council, its structures and those of its predecessors, excluding Agendas and Minutes which have been marked "Confidential / In-Committee".</p>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<p><u>4. Structures</u> (Including Council, Executive Committee, Ward Committees and other Committees)</p> <ul style="list-style-type: none"> <li>▪ Composition, names of members, office bearers, political membership.</li> <li>▪ Date, time and venue of meetings.</li> <li>▪ Functional areas.</li> </ul>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<p><u>5. Delegations</u> Delegations to –</p> <ul style="list-style-type: none"> <li>• Political Office Bearers</li> <li>• Councillors</li> <li>• Members of Staff</li> <li>• Structures (Executive Mayoral Committee, Committees, etc.)</li> </ul> <p>Authority granted to -</p> <ul style="list-style-type: none"> <li>• Conclude contracts</li> <li>• Sign legal documents, etc.</li> </ul> <p>Decisions by any Political Office Bearer, Councillor or Staff Member in terms of a power or duty delegated or sub-delegated.</p>	<p>Acting Director : Corporate Services Mrs Zanne Nel-Gagiano Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<p><u>6. Municipal legislation, Bylaws and Policies</u> All documents in this regard.</p>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<p><u>7. Budget</u> Budget, Service Delivery Budget Implementation Plan (SDBIP), Annual Report and Integrated Development Plan (IDP) as approved by Council.</p>	<p>Manager : Budget Ms Jacky Smith Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p> <p>Manager : IDP Ms Thobeka Twani Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>

<p>8. <u>Tariffs, fees, surcharges, etc</u> All tariffs, fees, surcharges, etc. approved by the Council for the current or any previous financial year.</p>	<p>Manager : Budget Ms Jacky Smith Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>
<p>9. <u>Financial records</u></p> <ul style="list-style-type: none"> <li>• Annual Financial Statements</li> <li>• Quarterly Financial Statements</li> <li>• Monthly Financial Statements</li> </ul>	<p>Manager : Budget Ms Jacky Smith Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>
<p>10. <u>Land</u> Single records only of owners of land – only erf numbers; names of owners – no other information e.g. addresses; telephone numbers; etc.</p>	<p>Manager : Income Mrs Janine van Niekerk Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>
<p>11. <u>Planning</u></p> <ul style="list-style-type: none"> <li>• Spatial Development Framework</li> <li>• Zoning Schemes</li> <li>• Structure Plan</li> </ul>	<p>Manager : Town Planning &amp; Building Control Mr Johann Pienaar Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>
<p>12. <u>Statistics</u> (Excluding personal details of individuals)</p> <ul style="list-style-type: none"> <li>• Statistics kept for departmental use in the format in which it is available</li> <li>• Statistics in the format as required by legislation</li> </ul>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>
<p>13. <u>Publications</u> 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.</p>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>
<p>14. <u>Records</u></p> <ul style="list-style-type: none"> <li>▪ Records Management Policy</li> <li>▪ Registry Procedure Manual</li> </ul>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 <a href="mailto:twkmun@twk.org.za">twkmun@twk.org.za</a></p>

<p>15. <u>Promotion of Access to Information Act, 2000 [PAIA]</u></p> <ul style="list-style-type: none"> <li>▪ Section 14 Manual</li> <li>▪ Section 32 Report</li> <li>▪ Information Brochure [English and Afrikaans]</li> </ul>	<p>Manager : Corporate Services Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<b>FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
<p>As above except those available free of charge in terms of Section 15(1)(a)(iii).</p>	<p>Request a copy from – The Deputy Information Officer Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<b>FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
<p>As applicable on Section 15(1)(a)(i) above.</p>	<p>Request a copy from – The Deputy Information Officer Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<b>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii)</b>	
<p>1. <u>Business details</u> Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all council offices, depots, facilities, amenities.</p>	<p>Request a copy from – The Deputy Information Officer Mrs Marelize Faul Theewaterskloof Municipality 6 Plein Street, Caledon, 7230 Tel nr : 028-2143300 twkmun@twk.org.za</p>
<p>2. <u>Councillors</u> (Including the Executive Mayor, Executive Deputy Mayor, Speaker and Office Bearers) Information regarding each Councillor's -</p> <ul style="list-style-type: none"> <li>▪ Name, address, telephone numbers</li> <li>▪ Ward/Proportional, political party</li> <li>▪ Position in Council e.g. Committee Membership, whether full-time or part-time</li> <li>▪ Representation on outside bodies</li> </ul>	



<p>3. <u>Structures</u> (Including Council, Executive Committee, Ward Committees and other Committees)</p> <ul style="list-style-type: none"><li>▪ Composition, names of members, office bearers, political membership.</li><li>▪ Date, time and venue of meetings.</li><li>▪ Functional areas.</li></ul>	
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**“ ANNEXURE C”****FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Article 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 van 2000))

**[Regulation 6]****FOR DEPARTMENTAL USE**

Reference number : \_\_\_\_\_

Request received by \_\_\_\_\_ (state  
rank, name and surname of Information Officer/Deputy Information Officer) on  
\_\_\_\_\_ (date) at \_\_\_\_\_ (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

\_\_\_\_\_  
**SIGNATURE OF  
INFORMATION OFFICER/  
DEPUTY INFORMATION OFFICER**

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

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**B. Particulars of person requesting access to the record**

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

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

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Fax number: \_\_\_\_\_ Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

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**C. Particulars of person requesting access to the record**

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

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on separate folio and attach it to this form. **The requester must sign all the 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 request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount 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 of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: \_\_\_\_\_  
 \_\_\_\_\_

**F. Form of access to record**

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

Disability:	Form in which record is required:

Mark the appropriate box with an **X**.

**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 circumstances. 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 the record is in written or printed form:**

	Copy of record*		Inspection of record
--	-----------------	--	----------------------

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

	View the images		Copy of the images*		Transcription of the images*
--	-----------------	--	---------------------	--	------------------------------

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

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
--	--	--	---

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

	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)
--	-------------------------	--	--	--	---

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
<b>Postage is payable</b>		

*Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.*

In which language would you prefer the record? \_\_\_\_\_

**G. Notice of decision regarding access**

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

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

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS  
MADE**

**“ ANNEXURE D”****SCALE OF PRESCRIBED FEES**

Public bodies registered under the Value-Added Tax Act, 1991 (Act 89 of 1991), as vendors may add value-added tax to all fees prescribed in Schedule 1.

**PART 1 : FEES IN RESPECT OF SECTION 14 GUIDE**

The fee for a copy of the guide as contemplated in Regulations 2(3)(b and 3(4)(c) is R 0.60 for every photocopy of an A4-size page or part thereof.

**PART II : FEES WITH REFERENCE TO PUBLIC BODIES**

1. The fee for a copy of the manual as set out in Regulation 5(c) is R 0.60 for each photocopy of an A4-size page or part thereof.
2. The fees for reproduction as referred to in Regulation 7(1) is as follows :

	R
(a) For each photocopy of an A4-size page or part thereof	0.60
(b) For each printed copy of an A4-size page or part thereof that is stored in a computer or in electronic or machine readable format	0.40
(c) For a copy in a computer-readable format on -	
(i) stiffy disc	5.00
(ii) laser disc	40.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12.00
(ii) For a copy of an audio record	17.00
3. The application fee that is payable by each applicant except a personal applicant and which is referred to in Regulation 7(2), is R 35.00.



4. The access fee that is payable by an applicant and which is referred to in Regulation 7(3), is as follows :

	R
(1)(a) For each photocopy of an A4-size page or part thereof	0.60
(1)(b) For each printed copy of an A4-size page or part thereof that is stored in a computer or in electronic or machine readable format	0.40
(1)(c) For a copy in a computer-readable format on -	
(i) stiffy disc	5.00
(ii) laser disc	40.00
(1)(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22.00
(ii) For a copy of visual images	60.00
(1)(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12.00
(ii) For a copy of an audio record	17.00
(1)(f) To search for, and to prepare the records for making public, R 15.00 for each hour or part of an hour, excluding the first hour, that is reasonably necessary for such search and preparation.	
(2) For the purpose of Section 22(2) of the Act, the following is applicable :	
(a) Six hours will be the hours that must be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable by the applicant as a deposit.	
(3) The correct postage is payable when a copy of a record must be posted to an applicant.	

**“ ANNEXURE E”****PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION**

Database	Government Gazettes
Gazette No	28107
Notice No	991
Regulation	8325
Gazette	GOV
Date	20051014

**Government Notice****DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

No. R.991

14 October 2005

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000 EXEMPTIONS AND DETERMINATIONS FOR PURPOSES OF SECTION 22(8)**

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22(8) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) hereby –

- (a) Exempt the following persons from paying the access fee contemplated section 22(6) of the Act :
- (i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 714.00 per annum; and
  - (ii) Married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule of this notice are made, does not exceed R 27 192.00 per annum and
- (b) Determined that : -
- (i) Where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fees does not apply;
  - (ii) The access fee contemplated in section 22(6) of the Act does not apply to the personal record of a requester; and
  - (iii) The request fee contemplated in section 22(1) of the Act and the access fee contemplated in section 22(6) of the Act do not apply to a record requested by a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

## SCHEDULE

1. For purposes of paragraph (a)(i) and (ii) of the notice the following deductions are permissible :
  - (a) Employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
  - (b) Contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act 4 of 2002);
  - (c) Compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee;
  - (d) Contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18(1)(a) of the Income Tax Act, 1962 (Act No. 58 of 1962);
  - (e) Contributions to pension funds in terms of section 13A of the Pension Funds Act, 1958 (Act No. 24 of 1956);
  - (f) Rent or mortgage installments to the maximum of R12 000 per annum;
  - (g) Maintenance paid in terms of a court order; and
  - (h) School fees, except school fees paid to a private school.

**B.S. MABANDLA, MP**  
**Minister of Justice and Constitutional Development**

## **“ ANNEXURE F”**

### **RECORDS THAT MAY BE REFUSED ACCESS TO**

*Section 9(b)(ii) recognizes that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution. The Information Officer or Deputy Information Officer may refuse access to certain records under the circumstances as provided for in Sections 33 to 46 of Chapter 4 of the Act.*

#### **Access must be refused in the following circumstances :**

- Request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- Request for access to a record of the South African Revenue Service if it contains information which was obtained or is held by the Service for the purposes of enforcing legislation concerning the collection of revenue.
- Request for access to a record if the record contains commercial information of a third party [e.g. trade secrets; financial, commercial, scientific or technical information, other than trade secrets] of which the disclosure would be likely to cause harm to the commercial or financial interests of the third party. The disclosure of the record could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or to prejudice the third party in commercial competition.
- Request for access to a record if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- Request for access to a record if the disclosure thereof could reasonably be expected to endanger the life or physical safety of an individual.
- Request for access to a record if access to that record is prohibited in terms of Section 60(14) of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- Request for access to a record if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.
- Request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party and the disclosure of which would be likely to expose the third party; a person that is or will be carrying out the research on behalf of the third party; or the subject matter of the research to serious disadvantage.

#### **Access may be refused in the following circumstances :**

- Request for access to a record if the record consists of information that was supplied in confidence by a third party and the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source and if it is in the public interest that similar information, or information from the same source, should continue to be supplied.
- Request for access to a record if its disclosure would be likely to prejudice or impair the security of a building, structure or system, or a means of transport or any other property or methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public or any part of the public or the security of property.
- Request for access to a record if the record contains methods, techniques, procedures or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law or the prosecution of alleged offenders.
- Request for access to a record if its disclosure could reasonably be expected to cause prejudice to the defense of the Republic; the security of the Republic; or the international relations of the Republic.

- Request for access to a record if its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic.
- Request for access to a record if the record contains trade secrets of the State or a public body; contains financial, commercial, scientific or technical information, other than trade secrets of which the disclosure would be likely to cause harm to the commercial or financial interests of the State or a public body. The disclosure of the record could reasonably be expected to put a public body at a disadvantage in contractual or other negotiations or to prejudice a public body in commercial competition or a computer program owned by the State or a public body.
- Request for access to a record if the record contains information about research being or to be carried out by or on behalf of a public body and the disclosure of which would be likely to expose the public body; a person that is or will be carrying out the research on behalf of the public body; or the subject matter of the research to serious disadvantage.
- Request for access to a record if the record contains an opinion, advice, report or recommendation obtained or prepared or an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law, would frustrate the deliberative process in a public body.
- Request for access to a record if the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body or the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was made to the person who supplied the material and to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or the record contains a preliminary, working or other draft of an official of a public body.
- Request for access to a record if the request is manifestly frivolous or vexatious; or the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

**“ ANNEXURE G”****FORM B****NOTICE OF INTERNAL APPEAL**

(Article 75 of the Promotion of Access to Information Act, 2000

(Act No. 2 van 2000))

**[Regulation 8]****A. Particulars of public body**

The Information Officer/Deputy Information Officer:

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**B. Particulars of requester / third party who lodges the internal appeal**

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which the appeal is lodge, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

Fax number: \_\_\_\_\_ Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

\_\_\_\_\_

**C. Particulars of requester**

*This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access.
	Decision regarding fees prescribed in terms of Section 22 of the Act.
	Decision regarding the extension of the period within which the request must be dealt with in terms of Section 26(1) of the Act.
	Decision in terms of Section 29(3) of the Act to refuse access in the form requested by the requester.
	Decision to grant request for access.

**E. Grounds for appeal**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.*

State the grounds on which the internal appeal is based :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State any other information that may be relevant in considering the appeal :

Four horizontal lines for providing additional information.

**F. Notice of decision on appeal**

*You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

State the manner : \_\_\_\_\_

Particulars of manner : \_\_\_\_\_

Singed at ..... this day .....  
of ..... 20.....

.....

**SIGNATURE OF APPELLANT**



**FOR DEPARTMENTAL USE :**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received on ..... [date]

By ..... [state rank, name and surname of Information Officer / Deputy Information Officer].

Appeal accompanied by the reasons for the Information Officer's/Deputy Information Officer's decisions and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the Information Officer / Deputy Information Officer on .....[date] to the Relevant Authority.

**OUTCOME OF APPEAL :** .....

**DECISION OF INFORMATION OFFICER / DEPUTY INFORMATION OFFICER CONFIRMED / NEW DECISION SUBSTITUTED :**

**NEW DECISION :**

.....  
.....

**DATE :** .....

**RELEVANT AUTHORITY :**

.....

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