



ALFRED NZO
DISTRICT MUNICIPALITY

**ALFRED NZO DISTRICT MUNICIPALITY
PAIA AND POPIA MANUAL**

**PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2002
&
PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013**

This document was prepared and made available in accordance with Section 14 of PAIA and forms part of the responsibilities of the Information Officer in terms of Regulation 4 (c) of the Regulations relating to the Protection of Personal Information, as published by the Information Regulator, under section

112 (2) of POPIA, Government Gazette No.42110 of 14 December 2018.

A copy of this Manual will be available on our website www.andm.gov.za or by sending a request for a copy by e-mail to the Alfred Nzo District Municipality Information of the Alfred Nzo District Municipality at the respective contact details set out more fully below.

The Manual may also be obtained from any of our offices (Regulation R187 of 15 February 2002), or the South African Human Rights Commission ("SAHRC").

Approved by Information Officer:

ZAMILE H. SIKHUNDLA (MUNICIPAL MANAGER)

**ALFRED NZO DISTRICT MUNICIPALITY
CHECKED BY: LEGAL SERVICES**

Date:

Sign:

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1. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- **“Act”** means the Promotion of Access to Information Act, 2 of 2000, as amended from time to time;
- **“Information Officer”** means the Municipal Manager, head or equivalent officer respectively, being the person acting on behalf of the Mopani District Municipality and discharging the duties and responsibilities assigned to such person by the Act. The Information Officer is duly authorised to act as such;
- **“Manual”** means this manual compiled in compliance with Section 14 of the Act;
- **“Personal Requester”** means a Requester seeking access to a record containing personal information about the Requester;
- **“Personnel”** means any person who works for or provides services to or on behalf of the Mopani District Municipality and receives or is entitled to receive any remuneration. This includes, without limitation, all permanent, temporary and part-time staff as well as contract workers;
- **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of the Mopani District Municipality, irrespective of whether it was created by the Mopani District Municipality or not;
- **“Request”** means a request for access to a record of the Mopani District Municipality;
- **“Requester”** means any person (other than certain public bodies or an official thereof) making a request for access to a record of the Mopani District Municipality and includes any person acting on behalf of that person / Requester;
- **“SAHRC”** means the South African Human Rights Commission;

Unless a contrary intention clearly appears, words signifying:-

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- Natural persons include juristic persons.

Terms defined in the Act shall have the same meaning in this Manual.

2. PURPOSE

This Manual is published in terms of Section 14 of the Promotion of Access to

Information Act, (2 of 2000) (“the Act”). The Act gives effect to the provisions of Section

32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The purpose of the Act is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.

The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

ALFRED NZO DISTRICT MUNICIPALITY OVRVIEW

Alfred Nzo District Municipality is located on the north-eastern side of the Province of the Eastern Cape and stretches from the Drakensberg Mountains, borders Lesotho in the North, Sisonke District Municipality in the East and O.R. Tambo District Municipality in the South. In preparation for the 2011 Local Government Elections, the Demarcation Board in terms of the Demarcation Act of 2008 as amended declared the changes in some municipalities (inter-boundaries) where some local municipalities were to be moved from the other district municipalities to the other and also the amendment of municipal wards boundaries. Through that Alfred Nzo District Municipality is one of the affected district municipalities where it was declared that two Local Municipalities from O.R. Tambo District Municipality being Mbizana and Ntabankulu will be incorporated under Alfred Nzo District Municipality in the process. Circular No. 54 of the Municipal Finance Management Act No. 56 of 2003, gives guidance in terms of preparations and adoption periods of Municipal IDPs and Budgets for 2011/12 considering the changes that will take place due to the Local Government Elections. In terms of the National Treasury, the affected municipalities by the Demarcation process when doing their planning in terms of Integrated Development Plans and Budget for 2011/12 should take into consideration the

proposed changes as a result of the demarcation process. Circular 54 of the Municipal Finance Management Act of 2003 further gives options in terms of the time period for the municipalities to adopt their IDPs in preparation for the changes as a result of elections. The district municipality together with its local municipalities resolved to adopt Option 1 where both IDP and Budget will be adopted by the current Council and the new Council will have to endorse the adopted IDP and Budget by its predecessor.

The District surface area has increased due to incorporation of Mbizana and Ntabankulu Local Municipalities from 6858 to 11119 square kilometers and is now sub-divided into four local municipalities: Matatiele covering 4352 km² (39% coverage of district area), Umzimvubu 2506 km² (23% coverage of district area), Mbizana 2806 km² (25% coverage of district area) and Ntabankulu occupying 1455 km² (13% coverage of district area). The process also entailed the amendment of all four municipalities' wards where the wards for Umzimvubu LM increased from 24 to 27 due to some wards from Ntabankulu Municipality being incorporated under Umzimvubu Local Municipality; Matatiele 24 to 26; Mbizana from 25 to 31 and Ntabankulu from 15 to 18 wards. The changes resulted in Alfred Nzo District Municipality being formed by a total of 102 wards.

The municipality comprises of its administration and the council consisting of both elected (16 ward represented) and proportional (26 councilors) representation. The party representation is set out below:

ANC	26
EFF	5
DA	1
AIC	1

The Municipality has an executive Mayor and a speaker who is also the chairperson of the Municipality Council. The day to day function and decision making of the municipality takes place through its Municipal Manager, as a head of the administration. Alfred Nzo District Municipality has the following portfolio committees, established in terms of section 80 of the District government Municipal systems Act, 117 of 1998:

- Community services committee
- Engineering services committee
- Budget & Treasury committee
- Development & Planning committee
- Corporate services committee
- Municipal Manager's office committee

3. FUNCTIONS

Alfred Nzo District Municipality has a legislative and executive authority and is empowered to govern, the local governmental affairs of its community, subjects to national and provincial legislation, as provide for in the constitution.

The Municipality operates within a legislative framework which consist of various statues which alia include:

- Local Government : Transitional Act (Act 209 of 1993)
- Local government : Municipal systems Act (Act 32 of 2000)
- Local government : Municipal structures Act (Act 117 of 1998)
- The constitution of the republic of South Africa (Act 108 of 1996);and
- Local Government : Municipal Finance Management Act (Act 56 of 2003)

Others statues which impact on the governance of the Municipality include (the list is not exhaustive)

Electoral Act	Act 73 of 1998
Promotion of local government Affairs Act	Act 91 of 1983
Electricity Act	Act 41 of 1987
Promotion of Access to Information Act	Act 2 of 2000
Promotion of Administrative Justice Act	Act 3 of 2000
National Health Act	Act 61 of 2003
Occupational Health and Safety Act	Act 85 of 2003
Labour Relations Act	Act 66 of 1995
Basic Conditions of Employment Act	Act 75 of 1997
Employment Equity Act	Act 55 of 1998
Skills Development Act	Act 97 of 1998
Unemployment Insurance Act	Act 63 of 2001
Pension Act	Act 24 of 1956
The removal of Restrictions Act	Act 84 of 1975
Expropriation Act	Act 63 of 2001
Arbitration Act	Act 42 of 1965
Public Audit Act	Act 25 of 2004
National Road Traffic Act	Act 93 of 1996
Housing Act	Act 107 of 1997
Prevention of Illegal eviction from Unlawful Occupation of land Act	Act 19 of 1998

The municipality's mandate stems from the Section 152 and 156 of the Constitution (108 of 1996) coupled with the assigned powers and functions drawing from the schedules 4b & 5b. The constitution indicates that the objectives of local government are:-

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

In terms of the aforesaid statutes the powers and functions of Alfred Nzo District Municipality includes, *inter lia*:

- Integrated Development Planning of the district as a whole including the Framework Plan for IDPs for local municipalities within its area of jurisdiction.
- The district is a Water Service Authority (WSA) and Water Provision Authority, and therefore provides Bulk and Potable water supply as well as both rural and urban sanitation
- Municipal Health Services
- Fire and Rescue Services as well as Disaster Risk Management
- The implementation of Expanded Public Works Programme (EPWP).
- Environmental Management
- Financial Management and Revenue Collection through services it renders to communities, business and government departments and distribution of grants to local municipalities.
- Promotion of Local Tourism for the district.
- Promotion of Local Economic Development.

4. CONTACT DETAILS OF ALFRED NZO DISTRICT MUNICIPALITY

Physical Address:
ERF 1400 Ntsizwa Street
EMaXesibeni
4735

Postal Address:
Private Bag X511
EMaXesibeni
4735

Telephone Number : 039 254 5000
Fax Number : 039 254 0343
Website : www.andm.gov.za

5. CONTACT DETAILS OF INFORMATION OFFICER

INFORMATION OFFICER:

Name and Designation: Mr Zamile H. Sikhundla
Municipal Manager

Physical Address:
ERF 1400 Ntsizwa Street
EMaXesibeni

Postal Address:
Private Bag X511
EMaXesibeni

4735

4735

Email: sikhundlaz@andm.gov.za

6. THE HUMAN RIGHTS COMMISSION & THE INFORMATION REGULATOR

Previously the Human Rights Commission was responsible for certain functions and provided for in PAIA. As of 30 June 2021, the Information regulator will be taking over the regulatory mandate functions relating to PAIA. This follows a proclamation, by the president, of sections 110 and 114(4) of POPIA, which provided for the amendment of PAIA and effective transfer of certain functions currently performed by the South African Human Rights Commission to the Information Regulator on 30 June 2021.

Chapter five (5) of POPIA deals with the establishment of the Information regulator and section 40 outlines the powers, duties and functions of the Regulator, which *inter alia* include:

- Handling of complaint;
- Issuing of code of conduct
- Consultations with interested parties, and
- The monitoring and enforcement of compliance with POPIA

7. DESCRIPTION OF SUBJECTS & CATEGORIES OF RECORDS HELD

“Records” of the 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, by-laws and 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.

8. RECORDS HELD AND ACCESS TO RECORDS HELD

The method of managing records in the municipality is in accordance with Provincial Achieve 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 PAIA. The latter legislation prohibits a public body from allowing access, and /or allows the public body to refuse access, to certain types of information, chapter 4 of PAIA deals with the grounds for refusal of access to records.

Information to be formally requested in terms of PAIA includes *inter alia*:

- Tenders
- Cheque returns
- Salary advices
- UIF Returns
- Annual financial Reports
- Management Reports
- Financial Records
- Employees, leave Records
- Internal Policies and procedures

- Correspondence on disciplinary matters
- Internal correspondence statutory Documents
- Documentation on Policies and Conditions of Employment.
- Records obtained from third parties held by the Municipality
- Various agreements entered into between the Municipality and third parties
- Document pertaining to tenders and others procurement related matters
- Minutes of the Municipality ad its various committees and sub-committees
- Data base of service recipients, including but not limited to residents, customers, suppliers, etc.

9. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS (SECTION 15)

The records as set out in **Annexure “B”** are automatically available without a person having to request access in terms of PAIA, but where appropriate, remain subjects to review by the Information Officer or Deputy Information Officer in terms of Section 15(40).

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

- Informed of his/her right to make a formal application under PAIA
- 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.

10. REQUEST FOR ACCESS (SECTION 11)

ACCESS GIVEN

When a record/ information is requested in terms of PAIA, 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; 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 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 e-mail, 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 hereof provided. When a requester is unable to read or write or has 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 that requester to comply with section 19 (1) of PAIA.

If the requester has made a request for access that does not comply with section 18 (1), the 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 that requester in order to make the request in a form that would remove the grounds for refusal, giving the requester a reasonable 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 reasonable opportunity to confirm the request or later it to comply with section 18 (1) of PAIA.

TRANSFER OF REQUESTS (SECTION 20)

If a request for access is made for information which is not in the possession of the municipality, or of 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 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 PAIA, 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 fee.

RECORDS NOT FOUND/NON-EXISTING (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.

DECISIONS AND NOTICE (SECTION 25)

The municipality will respond to the request within thirty calendar days, unless the request contains considerations that are of such a nature that an extension of the thirty-day time limit is necessitated. Where an extension of the thirty-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 thirty days (section 26).

If the Information Officer/Deputy Information Officer fails to give a 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 (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 a 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.

11. REFUSAL OF ACCESS TO CERTAIN RECORDS

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) of PAIA recognizes that the right to information must be given effect to in a manner which balances the right with any other right, 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 PAIA (See Annexure "F").

ALFRED NZO DISTRICT MUNICIPALITY MAY REFUSE TO GRANT ACCESS TO RECORDS ON THE FOLLOWING GROUNDS:

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

- Mandatory protection of the commercial information of a third party, if the record contains:
 - ✓ Trade secrets of that third party;
 - ✓ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - ✓ Information disclosed in confidence by a third party to Alfred Nzo District Municipality if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of nay agreement;
- Mandatory protection of the safety of individuals, and protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings'
- The commercial activities of Alfred Nzo District Municipality, which may include:
 - ✓ Trade secrets of Alfred Nzo District Municipality.
 - ✓ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Alfred Nzo District Municipality;
 - ✓ Information which, if disclosed could put Alfred Nzo District Municipality at a disadvantage in negotiations or commercial competition;
 - ✓ A computer programme which is owned by Alfred Nzo District Municipality and which is protected by copyright; The research information of Alfred Nzo District Municipality or a third party, if its disclosure would disclose the identity of Alfred Nzo District Municipality

, the researched or the subject matter of the research and would e place the research at a serious disadvantage.

- Request for information that are clearly frivolous, or vexatious, or which involve an unreasonable diversion of resources in terms of section 45 of the PAIA.

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.

DECISIONS ON REPRESENTATIONS BY THIRD PARTIES (SECTION 49)

The 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;
- c. That the requester will be given access to the record after expiry of the applicable period; and
- d. Unless such internal appeal or application with a court is lodged within that period.

12. INTERNAL APPEALS AGAINST DECISIONS OF INFORMATION OFFICERS (PART 4 OF PAIA)

RIGHTS OF INTERNAL APPEALS

A requester may lodge an internal appeal with the municipality against a decision of the Information Officer/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;
- Access to a record is not provided in the request 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 a third party.

APPEAL PROCEDURE AND FEES

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;
- Access to a record is not provided in the request 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 a 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;
- A notice to a third party is required in terms of 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

- 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 give reasons for the appeal;
- If applicable, be accompanied by the prescribed appeal fee(s); and
- Specify a postal address, fax number or email address.

The information Officer or Deputy Information Officer must, in 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 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 informed, make written representations why the request to access should be not granted or give written consent for the disclosure of the record to the requester concerned. Late appeals may be allowed, if good cause can be shown.

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.

APPLICATIONS TO COURT (PART 4, CHAPTER 2 OF PAIA)

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 national department, provincial administration or municipality to refuse a request to 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 form of access in which the information will be furnished.
- Apply for a Court by way of an application for appropriate relief in terms of section 82, within 30 days.

13. ARRANGEMENT ALLOWING FOR PUBLIC PARTICIPATION (SECTION 14(1) (G))

Section 14(1) (a) of PAIA requires the municipality to make arrangements or provisions for a person, by consultation, to make representations to participate in or influence the formation 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, (Act 117 of 1998). The purpose of the public participation process is to ensure that the Municipality, as well as 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). This is also used as an opportunity to provide feedback on the performance levels achieved by the municipality. A municipal unit such as the finalization of the annual budget and the annual IDP review.

THE MUNICIPALITY MAY USE ANY OF THE FOLLOWING METHODS TO ENGAGE IN PUBLIC PARTICIPATION:

- Surveys;
- Public hearings;
- Formal public hearings;
- Newspaper advertisement;
- Development of a public participation structure; and
- Distribution of documents in public places for comment;

OTHER INFORMATION AS PRESCRIBED IN TERMS OF SECTION 14 (1) (I)

There is currently no information available from the Minister of Justice and Constitutional Development, in terms of Section 92, to be placed hereunder.

PROTECTION OF PERSONAL INFORMATION ACT – NO 4 OF 2013

14. DEFINITIONS

For purposes of this manual, unless the context indicates otherwise-

"Consent" means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

"Data subject" means the person to whom personal information relates;

"Information officer" of, or in relation to, a-

- a) Public body means an Information officer or deputy information officer as contemplated in terms of section 1 or 17; or
- b) Private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;

"Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- a) Information relating to 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 assignment to the person;
- d) The biometric information of a person;
- e) The personal opinions, views and 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;

"Processing" means any operation of activity or any set of operations, whether or by automatic means, concerning personal information, including-

- a) The collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use.
- b) Dissemination by means of transmission, distribution or making available in any other form; or
- c) Merging, linking, as well as restriction, degradation, erasure or destruction of information;

"Public record" means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body;

"Responsible party" means a public or private body or any other person which, alone or in conjunction with other, determines the purpose of and means processing personal information.

15. LIST OF PERSONAL INFORMATION KEPT

The municipality collects personal information for various reasons in order to fulfill its mandate as government institution in terms of the constitution of Republic of South Africa. The residents expecting essential and other services from the municipality are obliged to share their personal information with the municipality's ability to render effective and sufficient services.

Employees are also obliged to share their personal information with the municipality as it is needed for human resource management.

Depending on the nature of the services require, the relationship between the individual and the municipality and the reasons why certain information is required, personal information that may be obtained includes but is not limited to:

- a) Qualifications; (b) contact details;
- b) Remuneration details;
- c) Forenames and last names;
- d) Identification or passport number;
- e) Biometric and geographic information;
- f) Demographic information such as age, gender, physical and postal address;
- g) Medical ownership;
- h) Declaration of interest;
- i) Next of kin;
- j) Bidder's information etc.;
- k) Employment information;
- l) Ownership or rental information;
- m) Vehicles details i.e. vehicle number plate;

16 COLLECTION OF PERSONAL INFORMATION

The municipality collects information to support its service delivery mandate. Personal information is collected directly from data subjects where practical and should be in compliance with POPIA.

Personal information may be collected through a variety of channels and may include the following:

- a) Surveys;
- b) Websites;
- c) Building control;
- d) Application forms;
- e) Tender and contracts;
- f) Social media platforms;
- g) Town planning compliance;
- h) Responding to questionnaires;
- i) Through third party service providers;
- j) Through surveillance cameras (with facial recognition technology);

17. REASONS FOR KEEPING PERSONAL INFORMATION

The municipality may collect and process personal information for the following reasons;

- a) Disclosures;
- b) Audit reports;
- c) Debt recovery;
- d) Rendering accounts;
- e) Registering of services;
- f) Report to council on bad debt;
- g) Closing agreements and contracts;
- h) Security background checks (vetting)
- i) Community consultation and feedback;
- j) Process benefits i.e. medical aid and pension
- k) Respond to enquiries; complaints and requests;
- l) Communication; sending and sharing of important information;
- m) Employment and remuneration and other Human Resources needs;
- n) Maintaining data base for essential services, indigent support, housing; and
- o) Understanding the needs and priorities of the community and other stakeholders;

18. UTILISATION OF PERSONAL INFORMATION

The municipality will use personal information only for the intended purposes it was collected for unless the data subjects grants consent for additional use.

19. SHARING OF PERSONAL INFORMATION

As a principle, the municipality shall only share personal information if the municipality has obtained consent from the data subject.

Personal information may be shared with the indicated stakeholders and in the manner as follows:

- SARS;
- Medical aids, pension funds;
- Financial institutions for payments;

- Financial institutions for remuneration processes;
- Where necessary to comply with judicial proceedings, court orders;
- Where consent in writing has been contained from the data subject for sharing;
- Business partners, vendors, or contractors to provide requested services or facilitate transactions;
- In response to a request for information by a legitimate authority in accordance with, or required by any applicable law, regulation, or legal process;
- To protect the rights, property, or safety of the municipality or others, or as otherwise required by an applicable law; and

20. SAFE GUARDING PERSONAL INFORMATION

- a. The municipality is committed to protect personal information from misuse, loss, theft, unauthorized access, modification, or disclosure, by:
 - using electronic and physical defenses; and
 - Contractually requiring that third parties to whom personal information is disclosed to do the same.
- b. Due to the insecurity and security breaches of online channels, the municipality cannot fully guarantee the security or interception from external sources of any personal information that are being submitted or posted online.
- c. The municipality have robust security controls and further threat detection solutions in place.

21. RETENTION OF PERSONAL INFORMATION

- a. The municipality shall retain personal information for as long as it is necessary to fulfill the purposes for which it was collected and to comply with any legislative and or archive requirements where after it shall be deleted/disposed of. Depending on the purpose, retention periods shall vary
- b. The following criteria will determine retention periods:
 - I. The legal or contractual, or other obligations to retain personal data;
 - II. Data necessary for or as part of an investigation or for litigation purposes; and;
 - III. In order to maintain accurate records, in line with relevant legislation.

22. DATA SUBJECTS RIGHT TO ACCESS & MAINTENANCE OF PERSONAL INFORMATION

- a. The data subject may request the municipality to access, correct, update, block, or delete personal information that the municipality holds, subject to legislative requirements that make it compulsory for the municipality to keep such personal information.
- b. The Information Officer will acknowledge receipt of any such request within three (3) days of the date of submission.
- c. Any such requests will be dealt with by Information Officer who shall respond within a reasonable period and no later than thirty (30) days of the date of the request.
- d. Where the municipality processes legally obtained personal information, the data subject may withdraw consent at any time for future processing;
- e. The data subject may request access to, and correction of personal data which is held by the municipality at any time by submitting a written request to the designated Information Officer;
- f. The data subject may object to the processing of personal data at any time.
- g. On any suspicion that personal information has been unlawfully processed and rights relating to protection of your personal information were violated or that personal information has been compromised, the data subject shall contact the Information Officer and if not satisfied, may lodge a complaint with the Information Regulator.
- h. In the event of an information breach that the municipality becomes aware of, municipality shall notify the data subject.
- i. The data subject may request the municipality to access, correct, update, block, or delete personal information that the municipality holds, subject to legislative requirements that make it compulsory for the municipality to keep such personal information.
- j. The Information Officer will acknowledge receipt of any such request within three (3) days of the date of submission.
- k. Any such requests will be dealt with by the Information Officer who shall respond within a reasonable period and no later than thirty (30) days of the date of the request.
- l. Where the municipality processes legally obtained personal information, the data may withdraw consent at any time for future processing;
- m. The data subject may request access to, and correction of personal data which is held by the municipality at any time by submitting a written request to the designated Information Officer.
- n. The data subject may object to the processing of personal data at any time.

- o. On any suspicion that personal information has been unlawfully processed and rights relating to protection of your personal information were violated or that personal information has been compromised, the data subject shall contact the Information Officer and if not satisfied, may lodge a complaint with the Information Regulator.
- p. In the event of an information breach that the municipality becomes aware of, the municipality shall notify the data subject.

23. OBJECTION TO PROCESSING OF PERSONAL INFORMATION

A data subject who wishes to object to the processing of personal information in terms of section 11(3) (a) of POPIA, must submit the objection to the responsible party of **Form 1**, as enclosed to this Manual. The responsible party/the municipality, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection on **Form 1**.

24. REQUEST FOR CORRECTION/ DELETION OF PERSONAL INFORMATION OR DESTRUCTION/ DELETION OF RECORD OF PERSONAL INFORMATION

A subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information in terms of section 24(1) of POPIA, must submit a request to the municipality on **Form 2**.

The municipality, or a designated person, must render such reasonable assistance, as necessary free of charge, to enable a data subject to complete **Form 2**.

25. APPLICATION FOR ISSUING OF CODE OF CONDUCT

A private or public body which is sufficiently representative of any class or bodies, or of any industry, profession, or vocation that wishes to apply for the issuing of a code of conduct in terms of section 61 of POPIA, must apply to the Regulator on **Form 3**.

26. REQUEST FOR DATA SUBJECT'S CONSENT TO PROCESS PERSONAL INFORMATION

A responsible party who wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must in terms of section 69(2) of POPIA, submit a request for written consent to that data subject on **Form 4**.

27. SUBMISSION OF COMPLAINTS

Any person who wishes to submit a complaint contemplated in section 74(1) of POPIA, must submit such a complaint to the Regulator on Part I of **Form 5**.

A responsible party, like the municipality, who wishes to submit a complaint, must submit such a complaint to the Regulator on Part II of **Form 5**

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 this Act)

Infrastructure Electricity distribution layouts Geographical information systems Landfill sites- future and existing Road maps and plans for future road developments	Property matters Building plans Valuation rolls Geographic information Title deeds of municipal properties Property holdings of the municipality Applications to lease or purchase property Property holdings of the municipality Applications to lease or purchase property Town planning applications and consents Lease agreements for properties rented by the municipality (if any) Agreements for properties alienated by the municipality Sale agreements of properties acquired by the Municipality Applications of property for municipal usage, including expropriations Allocations of social sites to religious/institutional organizations Information on sale of commercial/non-commercial property within the municipal area Property holdings with the municipal area
Financial Information Tariffs Subsidy income Estimates VAT records Invoices and supporting documentation Bank statements and records of investments held (if any) Pension funds: annual reports and financial statements Debtor's statements and financial history Council bank reconciliations Details of payments made to creditors Rental levied and arrears to creditors Rental levied and arrears in situation Allowance details	
Human Resource Record UIF records Leave records Human resource policies and procedures Salary and remuneration package details	General statistics, surveys and audits Environmental impact assessments Demographic data Social information

<p>Medical records of patients, i.e. employees Health: training, promotion and education Staff vacancies, circulars and advertisements</p> <p><u>Operational Statistics and Records</u> Statistical information Town planning statistical information Electricity disconnection/connection statistics Strategic plans and statistical information relating to: Roads Control lines Drainage plans Details of evictions Monthly statistics Architectural services Environmental matters Traffic and transportation Storm water engineering Libraries- archival collection Storm water complaints database Operational emergency procedures Legal opinions and litigations files Clinics- statistical information Catchment management files Contingency and strategic emergency plans Housing- backlog situation and future plans Fines - processing details, i.e. fines, summonses, court rolls, etc.</p> <p><u>Municipal Services and Customer Records</u> Customer application, registration and consumption details</p>	<p>Economic information of the region Accident records Accident statistics and reports Major hazard installation and risk assessments Diseases Details of current housing- owners/tenants Occupational hygiene on municipal properties Records of investigations conducted and their outcomes Water quality Audit reports i.e. forensic, computer and risk audit</p> <p><u>Municipal Plans and Policy Decisions</u> Legislation affecting Local Government, including by-laws Health policy issues</p> <p><u>Procurement Records</u> Details of quotations obtained Copies of tenders advertised and awarded Database of suppliers' registration for tendering purposes Details of tenders/contracts awarded Standards of performance of security tenders</p>
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ANNEXURE "B"

SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE MUNICIPALITY WHICH ARE AVAILABLE WITHOUT REQUEST FEE

(The records as set out here 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 prescribe fee for reproduction.)

- Debtor's account
- Town Planning schemes
- News Letter
- Brochures
- Policies
- All information as freely available on our website: www.andm.gov.za

These records can be accessed in the following manner:

- E-mails;
- Fax;
- Letter.

Additionally, we are required to ensure that certain records are available, in terms of the following Acts:

- The Occupational Health and Safety Act No. 85 of 1993;
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax No. 58 of 1962;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labor Relations Act No. 66 of 1995;
- The Medical Schemes Act No. 131 of 1998;
- The Compensation of Personal Injuries and Diseases Act No. 130 1993;
- The Health Act No. 63 of 1977;
- Consumer Affairs (Unfair business practices Act) 71 of 1993;
- Customs and Excise Amendment Act, 45 of 1995;
- South African Revenue Services Act, 34 of 1997;
- The Constitution of the Republic of South Africa No. 108 of 1996;
- Environmental Conservation Act 107 of 1998;
- Regional services Council Act, No 109 of 1985;
- Statistics Act, No. 6 of 1996;
- Local government: Municipal demarcation Act, No 27 of 1998;
- Local Government: Municipal Systems Act, No 32 of 1998;
- Local Government: Municipal Structures Act, 117 of 1998
- National Water Act, No 41 of 1987.

Notification of the availability of records that can be accessed without a request, and records that are available in terms of the Acts listed above, is periodically (i.e. at least once annually) given to the Cabinet Minister of Justice



ALFRED NZO
DISTRICT MUNICIPALITY

ANNEXURE "C" PRESCRIBED FORM A

**STANDARD FORM TO BE COMPLETED
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to information Act, 2000 (Act No. 2 of 2000) [Regulation 6]**

**REQUEST FOR ACCESS TO RECORDS OF ALFRED NZO DISTRICT MUNICIPALITY
SECTION 18 (1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT 200
(REGULATION 6)**

FOR DEPARTMENTAL USE

REFERENCE NUMBER _____

REQUEST RECEIVED BY: _____

DATE: _____ AT _____

REQUEST FEE (IF ANY) R _____

DEPOSIT FEE (IF ANY) R _____

ACCESS FEE R _____

SIGNATURE

INFORMATION OFFICER

A. Particulars of Public Body

INFORMATION OFFICER

Name and Designation: Mr Zamile H. Sikhundla

Municipal Manager

Physical Address:

ERF 1400 Ntsizwa Street

EMaXesibeni

4735

Email: sikhundlaz@andm.gov.za

Postal Address:

Private Bag X511

EMaXesibeni

4735

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 : _____

Fax Number : _____

Telephone : _____

E-mail Address : _____

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

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

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

Full names and Surname: _____

Identity number : _____

D. PARTICULARS OF RECORD

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- b) If the provided space is inadequate, please continue on a separate folio & 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 farm 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 a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____	Form in which record is required _____ _____ _____
-------------------------------------	---

NOTES

	Your indication as to the required form of access depends on the form in which the record is available	
	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.	
	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 writing or printed form:-		
	Copy of record	Inspection of record

2. If record consists of visual image:- (This includes photographs, slides, video recordings, computer – generated images, sketches, etc.)				
	View of image	Copy of image	Transcription of image	
3. If the record consists of recorded words or information which can be reproduced in sound				
	Listen to the sound track (audio cassette)	Transcription of soundtrack (written of printed documents)		
4. Record is held on computer or in electronic machine- readable form:-				
	Printed copy of record	Printed copy of information derived from the record	Copy in computer readable form	
#if requested a copy or transcription or a record (above), do you wish the copy or transcription to be posted to you?			YES	NO
A postal fee is payable				
<i>Note if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>				
In which language would you prefer record?				

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

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

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

Signed at this days of20.....

Signature of requester / person on whose behalf request is made

ANNEXURE "D" TERIFF/STRUCTURE & FEES PAYABLE

The Act provides for two types of fees:

- a) A request fee, which is a standard fee; and
 - b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs as well as postal costs.
1. The fee for a copy of the manual as contemplated in regulation 5© is R0, 60 for every photocopy of an A4-size page or part thereof.

The request fee payable by every requester/applicant, other than a personal requester, referred to in regulation 792 is **R 35. 00**

The fees for reproduction referred to in Regulation 7(1) of the PAIA Regulation are as follows:

- a) For every photocopy of an A4-size page or part thereof R 0. 60
- b) For every printed copy of an A4-size or part thereof held on a computer or an electronic or machine-readable form R0. 40
- c) For a copy of a computer readable- readable form of a:
 - I. Stiffly drive R 5. 00
 - II. compact disc R 40.00
- d) For a transcription of visual images, for an A4-size page or part thereof R 22. 00
For a copy of a visual image R 60. 00
- e) For a transcript of an audio record, for an A4-size page or part thereof R 12. 00
For a copy of an audio record R 17. 00

THE ACCESS FEES PAYABLE BY A REQUESTER REFFERD TO IN REGULATION 7 (3) ARE AS FOLLOWS:

- a) For every photocopy of an A4-size page or part thereof R 0. 60
- b) For every printed copy of an A4-size or part thereof held on a computer or an electronic or machine-readable form R0.40
- c) For a copy of a computer readable- readable form on a
 - I. Stiffly drive R 5. 00
 - II. Compact disc R40.00

- a) For a transcription of visual images, for an A4-size page or part thereof R 22. 00
- b) For a copy of a visual image R 60. 00

ANNEXURE "E" PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION

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

**GOVERNMENT NOTICE
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

14 OCTOBER 2015

I, Bridgette Sylvia Mabandla, Minister of 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 person from paying the access fee contemplated in 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 R 14 714.00 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 to this notice are made, does not exceed R 27 132. 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 fee 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 requester 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 1998) or the regulations made under section 44 of that Act.

SCHEDULE

- 2. 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 No.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 employee and his or her employee;
 - d. contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 1962 (Act No. 58 of 1962);
 - e. contributions to pension funds in terms of section 13A of the Pension Fund Act, 1958 (Act No. 24 of 1958);
 - f. rent or mortgage instalments to the maximum of R 12 000.00 per annum;
 - g. maintenance paid in terms of a court order; and
 - h. School fees, except school fees to a private school.

B.S. MABANDLA
Minister for Justice and Constitutional Development

ANNEXURE "F" REFUSAL OF CERTAIN RECORDS

RECORDS THAT MAY BE REFUSED ACCESS TO

Section 9(b) (ii) of PAIA 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 of the Act.

Access must be refused in the following circumstances:

- Protecting commercial information that we hold about a third party (or example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party;
- Disclosures of the record (containing trade secrets, financial, commercial, scientific, or technical, information) would harm the commercial or financial interests of a third party;
- Disclosure of the information about a third party, supplied in confidence, will put third Party at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- If disclosure would result in a breach of a duty of confidence owed to a third party's terms of an agreement;
- If disclosure would jeopardize the safety or life of an individual;
- If access to the record is prohibited in terms of Section 60(14) of the Criminal Procedure Act No. 51 of 1977
- The record privileged from production in legal proceedings unless the privilege has been waived;
- Records containing information about research being carried out or about to be carried out on behalf of a third party and the disclosure is likely to expose the third party, a matter of the research, to serious disadvantage

Access may be refused in the following circumstances:

- If the record consists of any information that was supplied in confidence by a third person and disclosure could reasonably be expected to prejudice the future supply of similar information, or information from the same source, should continue to be supplied;
- If disclosure would prejudice or impair the security of a building, structure or system or means of transport or any other property;

- If the record contains methods, techniques, guidelines or procedures for the prevention, detection, limitations or investigation of a contravention or procedures for a law or the prosecution of alleged offenders;
- If the disclosure could jeopardize the economic interests or financial welfare of the republic or the ability of Government to manage the economic affair of the Republic;
- If the record contains financial, commercial, scientific or technical information that may harm the commercial or financial interests of the body;
- Disclosure would reasonably expect that it would put a public body at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- If the record is a computer programme;
- Records containing information about research being carried out or about to be carried out on behalf of the public body and the disclosure is likely to expose the public body, a person that will be carrying on the research on behalf of the public body, or the subject matter of the research to serious disadvantage;
- If the record contains an opinion, advice, report or recommendation obtained or prepared, an account of a consultation, discussion or deliberation that has occurred (including minutes of meetings) for the purpose or formulating a decision or making a policy or disclosure would frustrate the deliberative process;
- Disclosure could jeopardize the effectiveness of testing, examining or auditing procedures or methods used by the body;
- The record contains evaluate material and disclosure would breach an implied promise made to the person who gave it regarding his or her identity or the content of the material;
- The record contains evaluate material and disclosure would breach an implied promise made to the person who gave it regarding his or her identity or the content of the material;
- the record contains preliminary, work or draft material;
- If the request is manifestly frivolous or vexatious or the work required to process; and
- Request would unreasonably divert the resources of the public body.



ALFRED NZO
DISTRICT MUNICIPALITY

ANNEXURE "G" NOTICE OF INTERNAL APPEAL - FORM B

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 [Act No.2 of 2000] [Regulation 8]

STATE YOUR REFERENCE NUMBER.....

A. PARTICULARS OF PUBLIC BODY

The Information Officer

Name and Designation: Mr Zamile H. Sikhundla

Municipal Manager

Physical Address:

ERF 1400 Ntsizwa Street

EMaXesibeni

4735

Email: sikhundlaz@andm.gov.za

Postal Address:

Private Bag X511

EMaXesibeni

4735

B. PARTICULARS OF REQUESTER/ THIRD PARTY WHO LODGES THE INTERNAL APPEAL

- a) The particulars of the person who is lodging the internal appeal must be given below.
- b) Proof of the capacity in which appeal is lodged, 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 surnames:

Identity number:

Postal Address:

.....

.....

Telephone Number:

Email address:

Capacity in which an internal appeal on behalf of another person is lodged:

.....
C. PARTICULARS OF REQUESTER

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

Full names and surname:
 Identity number:

D. THE DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED

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 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 OF APPEAL

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

State the grounds on which the internal appeal is based:

.....

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

.....

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:

Signed at.....this day.....of.....year.....

.....
SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on.....(Date) By.....(State rank, name and surname of IO/DIO)

Appeal accompanied by the reasons for the information officer's/Deputy Information Officer's decision, 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.....

OUTCOME OF APPEAL:
.....

DATE:
RELEVANT APPEAL AUTHORITY:

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON(Date)