



ACCESS TO INFORMATION MANUAL

The Information Manager (Municipal Manager)
Senqu Local Municipality
19 Murray Street
Lady Grey
Telephone (051) 603 1300
Facsimile (051) 603 0445
Website: www.senqu.gov.za

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1. Definitions

For the purpose of this document the following are meaning of words or phrases as they appear in the document:

Information Officer, means the Municipal Manager appointed in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

Deputy Information Officer, means the officials appointed by the Municipal Manager in terms of the Act to assist with the implementation of the Information Manual

The Act, means Promotion of Access to Information Act, 2000 (Act No 2 of 2000) [PAIA]

The Public Body, means the Senqu Local Municipality

Third Parties, means other bodies or institutions who do business with the municipality and who might have information for access by the public residing with the municipality

2. Purpose of the Manual

2.1 Legislative Background

Section 32(1)(a), (b) and (2) of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996) provides for the following:

- (1) Everyone has the right of access to –
 - (a) any information held by the state; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2000 (Act No 2 of 2000) was assented to on the 3rd February 2000 to give effect to Section 32 of the Constitution, that is giving effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

2.2 Objectives of the Manual

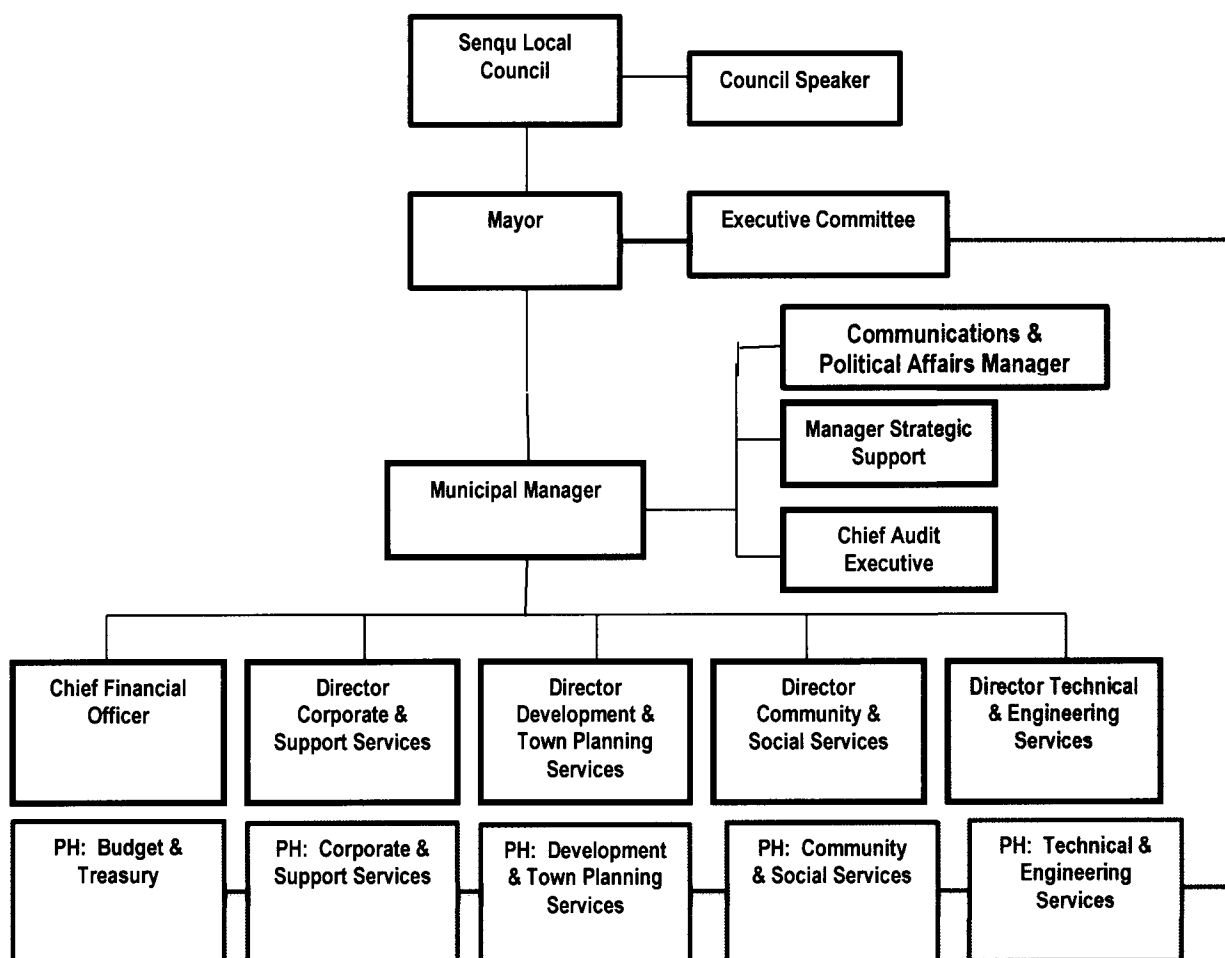
This manual is intended to foster a culture of transparency and accountability within the Senqu Local Municipality, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of Senqu in particular and or South Africa in general have effective access to information to enable them to more fully exercise and protect their rights.

Section 9 of the Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including but not limited to –

- ≈ Limitations aimed at the reasonable protection or privacy;
- ≈ Commercial confidentiality; and
- ≈ Effective, efficient and good governance; and
- ≈ In a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3. The Structure and Functions of the Senqu Municipality

3.1 The Municipal Structure



3.2 Functions of the Municipality

The Senqu Local Municipality is a category B Municipality and the largest municipality in the Joe Gqabi District. The powers and functions of the municipality are outlined in Schedules 4B and 5B of the Constitution. Section 83(1) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) further outlines the functions and powers of the local municipalities.

Other functions and powers are determined by the MEC for Local Government & Traditional Affairs through adjustment of these between the District and the Local Municipality in terms of Section 85 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

The following are the powers and functions are performed by the Senqu Local Municipality:

- (1) Air pollution
- (2) Building Regulation
- (3) Child care facilities
- (4) Electricity and gas reticulation
- (5) Firefighting services
- (6) Local tourism
- (7) Municipal planning
- (8) Stormwater management systems in built up areas
- (9) Trading regulations
- (10) Amusement facilities
- (11) Billboards and display of advertisement in public places
- (12) Cemeteries, funeral parlours and crematoria
- (13) Cleaning
- (14) Control of public nuisances
- (15) Control of undertakings that sell liquor to the public
- (16) Fences and fencing
- (17) Licensing and control of undertakings that sell food to the public
- (18) Local amenities
- (19) Local sport facilities
- (20) Municipal parks and recreation
- (21) Municipal roads
- (22) Noise pollution
- (23) Pounds
- (24) Public places
- (25) Waste management and refuse removal
- (26) Street trading
- (27) Street lightning
- (28) Traffic and parking

4. Contact Details of the Information Officers

The following are contact details of the Municipality:

Municipal Manager (Information Officer)
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Mr. MM Yawa – The Municipal Manager (Information Officer)

Deputy Information Officer

Mrs. T van Zyl – Manager Strategic Support (Deputy Information Officer)

Physical Address

Senqu Main Building
19 Murray Street

Lady Grey
9755

Postal Address

Senqu Local Municipality
Private Bag X03
Lady Grey
9755

Telephone Numbers

Main Switchboard

(051) 603 1300

Office of the Municipal Manager

(051) 603 1300

(051) 603 1308

Office of the Director Corporate and Support Services

(051) 603 1300

(051) 603 1316

Office of the Chief Financial Officer

(051) 603 1300

(051) 603 1320

Office of the Director Community Services

(051) 603 1300

(051) 603 1376

Office of the Director Development and Town Planning Services

(051) 603 1300

(051) 603 1377

Office of the Director Technical Services

(051) 603 1300

(051) 603 1449

Facsimile Numbers:

Main Facsimile

(051) 603 0445

Email and Website Addresses:

Municipal Manager – Information Officer

yawam@senqu.gov.za

Deputy information officer

vanzylt@senqu.gov.za

Website Address

www.senqu.gov.za

5. The Guide on how to use the Promotion of Access to Information Act, 2000 (Act No 2 of 2000)

In terms of Section 10 of the Promotion of Access to Information Act, the Human Rights Commission must compile a guide to assist users in the interpretation of the Act. The guide contains a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act. Below are the details of the South African Human Rights Commission:

(1) Postal Address

The South African Human Rights Commission
PAIA Unit (The Research & Documentation Department)
Private Bag X 2700
Houghton, 2041

(2) Telephone / Facsimile Numbers

Telephone: (011) 484 8300
Facsimile: (011) 484 1360

(3) The guide is available from the following website or can be requested on the email address below:

Website Address: www.sahrc.org.za
Email Address: paia@sahrc.org.za

6. Records Kept by the Senqu Municipality which are Accessed in terms of the Act

6.1 Internal Audit

6.1.1 Description of Function

The Internal Audit Unit of the municipality provides the municipality with the assurance that risks are being appropriately managed efficiently and effectively.

6.1.2 Internal Audit Records of the Municipality

- (1) General correspondence

- (2) Audit practice records
- (3) Compliance records
- (4) Risk Management records
- (5) General administration records
- (6) Audit reports and supporting working papers

6.2 Development & Town Planning Services

6.2.1 Description of the Function

The function of this department includes strategic planning, institution-wide performance management, project management, local economic development, town planning and housing.

6.2.2 Records generated in the department Include

- (1) Municipality's strategic Plan and Supporting Documents
- (2) Municipal Scorecard
- (3) Annual Report
- (4) Performance Management System
- (5) LED Strategy
- (6) Employee Performance Contracts
- (7) Administration Records
- (8) General Correspondence

6.3 Corporate and Support Services

6.3.1 Description of the Function

The Corporate and Support Services function of the municipality includes the provision of administrative council support and human resources services to the entire municipality.

6.3.2 Corporate and Support Services Records

- (1) Personal files of employees and councillors
- (2) Employment contracts
- (3) Collective Agreements
- (4) Remuneration
- (5) Various Employee Contracts
- (6) Job profiles
- (7) Medical Aid
- (8) Employee Benefits
- (9) Employment Equity records
- (10) Internal Policies and Procedures
- (11) General Correspondence
- (12) Employee Assistance Programme Reports and Evaluations

- (13) Job competency profile
- (14) Disciplinary records
- (15) Property records
- (16) Council Agendas
- (17) Council Resolutions
- (18) Lease Agreements
- (19) Contracts and agreements
- (20) Communications and marketing
- (21) Customer Care
- (22) Community Participation
- (23) Administration Records
- (24) Fleet Services

6.4 Budget & Treasury

6.4.1 Description of the Function

The Budget and Treasury office is responsible for managing finances of the municipality including the management of budget, income, expenditure and traffic department of the municipality.

6.4.2 The Budget and Treasury Records include the Following

- (1) Municipal Budget
- (2) Financial Statements
- (3) Accounting records
- (4) Investment records
- (5) General correspondence
- (6) Management reports
- (7) Transactional records
- (8) VAT records
- (9) Tax records
- (10) Internal reports and communications
- (11) List of company's creditors and debtors
- (12) Salary information
- (13) Bank account information
- (14) Fixed asset register
- (15) Procurement policies and procedures
- (16) Bid documents
- (17) Supplier list / database
- (18) Supplier agreements and service level agreements
- (19) Administrative documents

7. Information Readily Available for Access

The following documents are available for access without a person having to request access in terms of the Provision of Access to Information Act (PAIA):

- (1) Integrated Development Plan
- (2) Municipal Budget
- (3) Municipal Bylaws
- (4) Municipal Policies and Procedures
- (5) Legislation applicable to Municipalities
- (6) Workplace Skills Plan
- (7) Employment Equity Returns to the Department of Labour
- (8) Annual Training Plan
- (9) Personnel records available to the employee whose file it is
- (10) Records of the disciplinary hearings and related matters are available to the employee concerned
- (11) Code of conduct for employees and councillors

The above information can be accessed through the municipality's website and the main municipal and satellite offices.

8. Services Available and how to Gain Access to those Services

8.1 Community and Social Services

8.1.1 Description of the Services

Community services include the following services:

- (1) Environmental Care (cleansing)
- (2) Libraries
- (3) Cemeteries
- (4) Pounds and impounding
- (5) Traffic Services

8.1.2 Contact Details for Community and Social Services

Director Community Services

Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1376
Facsimile: (051) 603 0445
Email Address: gologolol@senqu.gov.za

8.2 Technical and Engineering Services

8.2.1 Description of Services

The services offered by this directorate include the following:

- (1) Roads Construction, Maintenance and Public Works
- (2) Storm water management
- (3) Waste management
- (4) Electricity (high mast lights, robot maintenance, etc.)
- (5) Project management

8.2.2 Contact Details for Technical and Engineering Services

Director Technical Services

Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1449
Facsimile: (051) 603 0445
Email Address: crozierr@senqu.gov.za

Development & Town Planning Services

8.2.3 Description of the services offered

The strategic management function includes the following:

- (1) Integrated development planning
- (2) Performance management system
- (3) Local economic development
- (4) Tourism
- (5) Housing and land use management
- (6) Spatial planning

8.2.4 Contact Details to access the services

Director Development & Town Planning Services

Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1377
Facsimile: (051) 603 0445
Email Address: bushulap@senqu.gov.za

8.3 Budget and Treasury

8.3.1 Description of the services offered

The Budget and Treasury Office offers the following services:

- (1) Income and revenue management
- (2) Expenditure management and control
- (3) Budget and budgetary matters
- (4) Supply chain management
- (5) eNatis

8.3.2 Contact Details to access the Services

Chief Financial Officer
Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1320
Facsimile: (051) 603 0445
Email Address: fouriek@senqu.gov.za

8.4 Corporate and Support Services

8.4.1 Description of the services

Corporate services include the following:

- (1) Human resources management including skills development, personnel administration, organisational design, employee relations, employee wellness and occupational health and safety services
- (2) Administration services including council secretariat, registry and archives services, and council buildings/assets
- (3) Legal services
- (4) Marketing
- (5) International, national and Intergovernmental relations

8.4.2 Contact Details to Access the Services

Director Corporate and Support Services
Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1316
Facsimile: (051) 603 0445
Email Address: wongat@senqu.gov.za

8.5 Municipal Managers Office

8.5.1 Description of the services

- (1) Communications
- (2) Internal Audit Services

8.5.2 Contact Details to Access the Services

Municipal Manager

Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1308
Facsimile: (051) 603 0445
Email Address: yawam@senqu.gov.za

8.6 Contact Details of Political Office Bearers (Full time Councillors)

Council Speaker

Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1312
Facsimile: (051) 603 0445
Email Address: mosisidii@senqu.gov.za

Mayor

Senqu Local Municipality
19 Murray Street
Lady Grey

Telephone: (051) 603 1300/1314
Facsimile: (051) 603 0445
Email Address: mposelwan@senqu.gov.za

9. Decision-Making Process

- 9.1 The Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later

found, the requestor must be given access if the request would otherwise have been granted.

- 9.2 Section 25(1) provides that the information officer must within 30 days of receipt of a correctly completed request form notify the requestor of the decision as to whether or not to grant the request. If the request is –

≈ **Granted** – the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.

≈ **Declined** – the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wishes to lodge an internal appeal or to apply to court against such decision.

- 9.3 According to Section 26 the Information Officer may extend the period of 30 days by a further period not exceeding 30 days if –

≈ The request is for a large number of records or requires a search through a large number of records;

≈ The request requires a search for records located in a different office of the municipality (Sterkspruit, Barkly East, Rhodes, Rossouw) or in the other buildings of the municipality;

≈ Consultation between the departments and offices of the municipality or with another public body such as the district municipality or a provincial or national department;

≈ More than one of the circumstances contemplated in paragraphs (a), (b) and (c) in respect of the request making compliance with the original period not reasonable possible; or

≈ The requestor consents in writing to the extension

- 9.3.1 The requestor must be notified within the initial 30 day period in writing of the extension, together with reasons thereof, and the procedure involved should the requestor wish to lodge an internal appeal or apply to court against the extension.

- 9.3.2 The information officer's failure to give the decision on a request for access to the requestor concerned within the period contemplated in section 25(1) is, for the purposes of this Act, regarded as having refused the request.

- 9.4 Section 28 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

- 9.5 If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the information officer.

10. Grounds for Refusal of a Request

Notwithstanding compliance with section 25 of the Act, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely –

- 10.1 Section 34 of the Act prohibits unreasonableness disclosures of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons.
- 10.2 Section 36 states that a request must be refused if it relates to records containing third party information pertaining to –
- ≈ Trade secrets
 - ≈ Financial, commercial, scientific or technical information, other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - ≈ Information supplied in confidence by a third party the disclosure of which could reasonable be expected –
 - To put that third party at a disadvantage in contractual or other negotiations; or
 - To prejudice that third party in commercial competition
- 10.3 Section 36(2) states that a record may not be refused in terms of subsection (1) insofar as it contains information –
- ≈ Already publicly available
 - ≈ About a third party who has consented in terms of section 48 or otherwise in writing to its disclosure to the requestor concerned; or
 - ≈ About the results of any product or environmental testing or other investigation supplied by, earned out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk
- 10.4 Section 37(1) provides for mandatory protection of certain confidential information and protection of certain other confidential information, of third party; however subsection (2) provides exception to this refusal
- 10.5 Section 38 provides for mandatory protection of safety of individuals, and protection of property
- 10.6 Section 40 provides for mandatory protection of records privileged from production of legal proceedings unless the person entitled to the privilege has waived the privilege

- 10.7 Section 43 provides for mandatory protection of research information of third party, and protection of research information of public body
- 10.8 Section 44 provides for protection of information relating to the operations of the public body; however, subsection (3) and (4) provides exception for the protection of such information
- 10.9 Section 46 provides that despite the protection of information in terms of the abovementioned sections it is mandatory for the Information Officer to grant a request for access to a record of a body contemplated in sections specified in this section of the Act.

11. Third Party Notifications and Intervention

- 11.1 In terms of Section 47(1) the Information Officer considering a request for access to a record that might be a record contemplated in Sections 34(1), 35(1), 36(1) or 43(1) of the Act must take all reasonable steps to inform a third party to whom or which the record relates of the request.
- 11.2 In terms of Section 47(2) the third party in terms paragraph 1 above must be informed:
 - (a) As soon as a reasonable possible, but in any event, within 21 days after that request is received or transferred; and
 - (b) By the fastest means possible
- 11.3 Section 48(1) of the Act requires that a third party that has been informed of the request in terms of 11.1 above may within 21 days after being informed:
 - (a) Make written or oral representations to the Information Officer concerned why the request should be refused; or
 - (b) Give written consent for the disclosure of the record to the requester concerned

12. Decisions on representations for refusal and notice thereof

- 12.1 Section 49(1) of the Act requires that the Information Officer of a public body, in this case the municipality, must as soon as reasonable possible but in any event within 30 days after every third party is informed as required by Section 47 of the Act:
 - (a) Decide, after giving due regard to any representations made by a third party in terms of Section 48, whether to grant the request for access; and
 - (b) Notify the third party so informed and a third party not informed in terms of Section 47(1) of the Act, but that made representations in terms of Section 48 or is located before the decision is taken, of the decision.
- 12.2.1 Section 49(1) states that if the Information Officer of a public body decides in terms of subsection (1) to grant the request for access concerned, he or she must give the requester

access to the record concerned after the expiry of 30 days after notice is given in terms of subsection (1)(b), unless an internal appeal or an application with a court, as the case may be, is lodged against the decision within that period.

13. Fees

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

The fee for a copy of the manual is R0, 60 for every photocopy of an A4-size page or part thereof.

The fees for reproduction are as follows:

NO.	CONTENT	FEE
1	Photocopy of an A4 size page or part thereof	R 0,60
2	Printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R 0,40
3	Copy in a computer-readable form on: Memory stick Compact disc	R5,00 R40,00
4	Transcription of visual images for an A4 size page or part thereof	R22,00
5	Copy of visual images	R60,00
6	Transcription of an audio record, for an A4 size page or part thereof	R12,00
7	Copy of an audio record	R17,00

2. The request fee payable by every requester, other than a personal requester, is R35, 00.

3. The access fees payable by a requester are as follows:

NO.	CONTENT	FEE
1	Every photocopy of an A4 size page or part thereof	R0,60
2	Every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
3	Copy in a computer-readable form on Memory stick Compact disc	R5,00 R40,00

4. For a transcription of visual images, for an A4 size page or part thereof is R22,00

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NO.	CONTENT	FEE
1	Copy of visual images	R60,00
2	Transcription of an audio record, for an A4-size page or part thereof	R12,00
	Copy of an audio record	R17,00
	To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R15,00

5. For purposes of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

6. The actual postage is payable when a copy of a record must be posted to a requester.

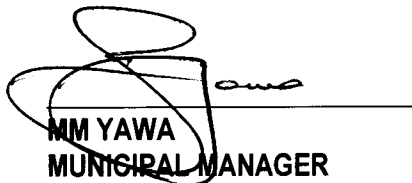
14. Disclaimer

The Senqu Local Municipality's Promotion of Access to Information Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarize him/her/itself with the provisions of the Act before lodging any request with the Municipality.

15. Authentication

The Access to Information Manual was adopted by Council on 25 April 2018 as per council resolution no: 021/OCM/18

Sign-Off by:


MM YAWA
MUNICIPAL MANAGER