



PAIA MANUAL FOR UMGUNGUNDLOVU DISTRICT MUNICIPALITY

(a Public Body)

**THIS MANUAL WAS PREPARED IN ACCORDANCE WITH
SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION
ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013**

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FULL COUNCIL RESOLUTION



Item 10.4
02/05/2023

DRAFT PROMOTION OF ACCESS TO INFORMATION MANUAL (PAIA)

At its meeting held on 02 May 2023, the Full Council

RESOLVED

That the Full Council adopts the draft promotion of Access to Information Act Manual.

CERTIFIED A TRUE EXTRACT OF THE ORIGINAL MINUTES

ACTING MUNICIPAL MANAGER
DR EX MUTHWA

CONTACT DETAILS OF INFORMATION OFFICERS

Name: DR EX Muthwa
Role: Chief Information Officer
Tel: 033 897 6700
Email: xolani.muthwa@umdm.gov.za
Fax number: 033 879 5502

Name: Ms. Lihle Hadebe
Role: Deputy Chief Information Officer
Tel: 033 897 6852
Email: Lihle.Hadebe@umdm.gov.za
Fax Number: 033 394 5502

Name: Mr. Brian Zuma
Role: Deputy Chief Information Officer
Tel: 033 897 6868
Email: Brain.Zuma@umdm.gov.za
Fax Number: 033 394 5502

Name: Ms. Nombuso Hlophe
Role: Deputy Chief Information Officer
Tel: 033 897 6786
Email: Noh.Hlophe@umdm.gov.za
Fax Number: 033 394 5502

ACCESS TO INFORMATION GENERAL CONTACTS

Email: information.officer@umdm.gov.za
Website: www.umdm.gov.za
Business Hours: 07:45 am to 16:30pm (Monday to Friday)
Physical Address: 242 Langalibalele Street, Pietermaritzburg, 3201
Postal Address: PO BOX 3235
Pietermaritzburg
3201

DEFINITIONS AND INTERPRETATIONS

TERM	DEFINITION
Access fee	A fee prescribed for the purposes of section 22(6) or 54(6), as the case may be.
Data subject	The person to whom personal information relates.
Deputy Information Officer	The designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request.
Guide	The guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA;
Human Rights Commission	The South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution
Information Officer	The municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
Information Regulator	The Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013;
Internal appeal	An internal appeal to the relevant authority in terms of section 74;
Person	A natural person or a juristic person;
Personal information	<p>Formation relating to an identifiable natural person, including, but not limited to;</p> <ul style="list-style-type: none"> a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person. b) information relating to the education or the medical, financial, criminal or employment history of the person. c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other assigned to the person. d) the biometric information of the person. e) the personal opinions, views or preferences of the person. f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence. g) the views or opinions of another individual about the person; and h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;

LIST OF ACRONYMS AND ABBREVIATIONS

MM	Municipal Manager
DIO	Deputy Information Officer
IO	Information Officer
Minister	Minister of Justice and Correctional Services
PAIA	Promotion of Access to Information Act No. 2 of 2000(as Amended)
PFMA	Public Finance Management Act No.1 of 1999 as Amended
POPIA	Protection of Personal Information Act No.4 of 2013
Regulator	Information Regulator

1. INTRODUCTION

uMgungundlovu District Municipality (“the Municipality”) is guided by values such as openness, accountability, and transparency to achieve and promote good governance. The application of these values re-enforces the municipality’s commitment to comply with the Provisions of the Access to Information Act No. 2 of 2000 “the Act”). The Act gives effect to the constitutional right of access to any information held by any public or private body that is require for the exercise or protection of any rights. The Act sets out the procedures attached to such a request.

Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy
- Commercial confidentiality
- Effective, efficient, and good governance.

Section 14 of the Act obliges public bodies to compile a Manual, which would assist a person to obtain access to information held by a public body and stipulates the minimum requirements a manual has to comply with.

This manual therefore seeks to inform a person how to obtain access to a record held by the Municipality.

Where individuals have trouble in understanding the manual, the Information Officers should be consulted at telephone or email 033-8976700 or email informationofficer@umdm.gov.za.



2. PURPOSE

The purpose of this Promotion of Access to Information (PAIA) manual is to enable the members of the public to;

- Check the nature of the records which may already be available at uMgungundlovu District Municipality 242/176 Langalibalele Street, Pietermaritzburg, 3201, without the need for submitting a formal PAIA request.
- Understand how to make a request for access to a record within uMgungundlovu District Municipality.
- Access all the relevant contact details of the people who will assist the public with the records they intend to access.
- know all the remedies available from (uMgungundlovu District Municipality) regarding request for access to the records, before approaching the Regulator or the Courts.
- The description of the services available to members of the public from (uMgungundlovu District Municipality), and how to gain access to those services.
- A description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- If the body will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- know if uMgungundlovu District Municipality has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- know whether (uMgungundlovu District Municipality) has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF UMGUNGUNDLOVU DISTRICT MUNICIPALITY

uMgungundlovu District Municipality has been established in terms of chapter 7 of the constitution of the Republic of South Africa 1996.

The powers and functions of uMgungundlovu District are assigned to it in terms of sections 156 and 229 of the Constitution and further governed by the Local Government: Municipal Structures Act, (the "MSA") No. 117 of 1998. The structures are derived from sections 79 and/or 80 of the MSA.

Decision-making of the public body is conducted through the Council and the Executive Committee, with the Municipal Manager and the Heads of departments.

uMgungundlovu District municipality performs powers and functions as per schedule 4 and 5 of the Constitution.

3.1. Services

In terms of section 84 of Local Government: Municipal Structures Act 117 of 1998 read with section 156 of the Constitution of Republic of South Africa 1996 of uMgungundlovu District Municipality are:

- Integrated development planning for the district municipality, including a framework for integrated development plans of all municipalities in the area of the district municipality.
- Potable water supply systems.
- Bulk supply of water, which includes for the purpose of such supply, the transmission, distribution and, where applicable.
- Domestic wastewater and sewage disposal systems.
- Solid waste disposal sites, in so far as it relates to:
 - The determination of a waste disposal strategy.
 - The regulation of waste disposal.
 - The establishment, operation and control of waste disposal sites, bulk waste transfer

facilities and waste disposal facilities for more than one local municipality in the district

3.2. Functions and Structure of the Municipality

In terms of section 152 (1) of the Constitution of the Republic of South Africa, 1996 the objects of the local government are:

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

The purpose of the Municipality is to provide Municipal Services and promote Social Economic Development. The key functions of the uMgungundlovu District Municipality to provide District Infrastructure Services, District Community Services, Corporate Support Services, and provision of Budget & Treasury Support Services.

3.2.1. Office of the Municipal Manager

The Municipal Manager is responsible for overseeing the administration of the municipality and serve as the Municipal Manager and Accounting Officer, under this function. The functions of this department are:

- Provide a strategic management and planning services.
- Provide administrative support and transversal business solutions.
- Provide internal audit services.
- Manage special projects.
- Support the functioning of the water services authority.

3.2.2. Infrastructure Services

In delivering Infrastructure Services the Municipality seeks to ensure that there is effective Public Works, by carrying out the following functions:

- Render water and sanitation services.
- Ensure the management & development of District Technical Infrastructure.
- Establish, conduct, and control cemeteries and crematoria.

3.2.3. Community Services

The purpose of Community Services is to provide community related services to the residents of the district this includes:

- The promotion of economic development and district tourism.
- The provision of community related services and promotion of social development.
- The provision of disaster management services.
- The provision of emergency services.
- The provision of development planning services.

3.2.4. Economic Development and Planning

uMgungundlovu District Municipality provides development planning services with the following functions:

- Provide spatial planning and land use management services.
- Provide an environment planning service.
- Provide a GIS service.
- Coordinate, facilitate and guide the development of functional planning initiatives.

3.2.5. Corporate Services

The purpose of the Corporate Services function of the Municipality is to provide Corporate Support Services to the Municipal Departments, which includes the following:

- Human Resources Management services.
- Fleet Management Services.
- Property and facilities management services.
- Secretarial, translation & interpretation services (Committee support)
- Auxiliary services.
- Information and Communication Technology Services.

3.2.6. Budget and Treasury Services

The Budget and Treasury function seeks to ensure that there is effective, efficient, and economical management of finances, comprising of the following key functions:

- Render a budgeting and accounting service.
- Manage and control municipal revenue.
- Provide a supply chain management service.
- Manage and control Municipal expenditure.
- Provide an asset management service.

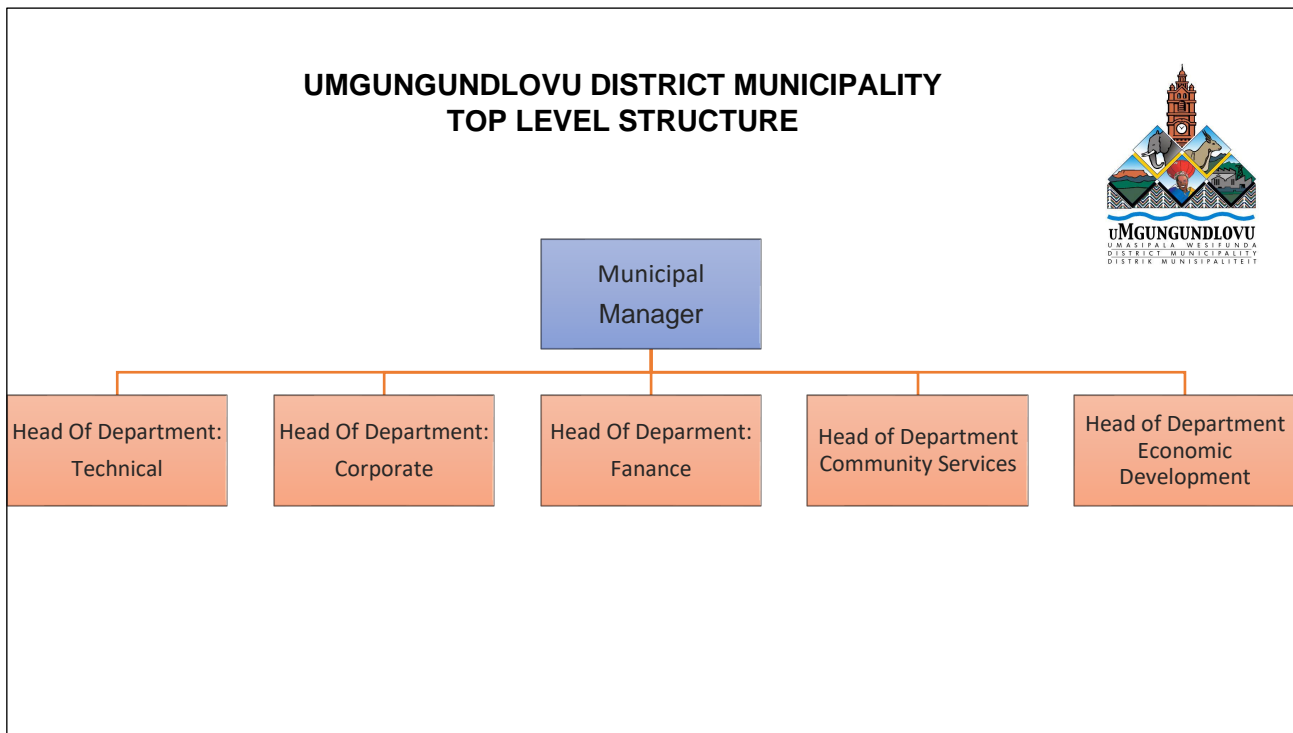


Figure 1: Top Level Structure of uMgungundlovu District Municipality

4. GUIDE ON HOW TO USE THE ACT

The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The aforesaid Guide contains the description of ;

- The objects of PAIA and POPIA.
 - The postal and street address, phone, and fax number and, if available, electronic mail address of the Information Officer of every public body, and
 - Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA
- The manner and form of a request for;
 - Access to a record of a public body contemplated in section 11 and
 - access to a record of a private body contemplated in section 50
- The assistance available from the Information Officer of a public body in terms of PAIA and POPIA
- The assistance available from the Regulator in terms of PAIA and POPIA;
- All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging.
 - An internal appeal.
 - A complaint to the Regulator; and
 - an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- The provisions of sections 145 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual.
- The provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- The notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- The regulations made in terms of section 92
- Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained.
- Upon request to the Information Officer.
- from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5. PROCESSING OF PERSONAL INFORMATION

The POPIA requires that data must be processed for a specified purpose. uMgungundlovu District Municipality will Process Personal Information only in ways that are for, or compatible with, the purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.

The Municipality will retain Personal Information only for as long as is necessary to accomplish UMDM's legitimate business purposes or for as long as may be permitted or required by applicable law.

The Municipality shall collect personal information in line with its mandate and inter alia.

- For the purpose of onboarding its members and service providers.
- For purposes of implementing contractual agreements.
- For the execution of payment processing functions.
- For employment-related purposes such as recruiting staff, administering payroll, background checks, etc.
- For internal audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- For complying with tax laws.
- For external audit purposes. For these purposes, uMgungundlovu engages external service providers and, in so doing, shares Personal Information of the Data Subjects with Third Parties;
- For keeping accounts of records.
- For such other purposes to which the Data Subject may consent from time to time; and
- For such other purposes as authorised in terms of applicable law.

5.1. CATEGORIES OF DATA SUBJECTS AND OF THE PERSONAL INFORMATION RELATING THERETO (SECTION 14(1)(c)(ii))

uMgungundlovu District Municipality collects Personal Information directly from the Data Subject and/or from Employees, members, Third Parties, service providers, and where UMDM obtains Personal Information from Third Parties, the Municipality will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where Council is permitted to do so in terms of the applicable laws. This list of categories is non-exhaustive.

Examples of Third Parties from whom Personal Information is collected includes any third party who the Municipality conducts its business with; regulatory bodies; verification agencies; other companies providing services to Council and where UMDM makes use of publicly available sources of information.

The Personal Information relating thereto is as follows.

Category of Data Subject	Information to be processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific, or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality,
Other Parties	Names of contact persons; name of legal entity, physical and postal address and contact details, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric

information of the person.

5.2. RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED (SECTION 14(1)(c)(iii))

Depending on the nature of the data, the Municipality may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules
- the Competition Commission in terms of the Competition Act No. 89 of 1998
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA;
- Subject to the provisions of POPIA and the National Credit Act No. 34 of 2005, uMgungundlovu District Municipality may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Council operates; and
- Any person who conducts business with the Municipality, in the ordinary course of business

The Municipality will comply with POPIA before transferring Personal Information to a Third-Party who is not a contractor of Council. Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, UMDM will obtain assurances from the Third-Party that it will Process Personal Information in a manner consistent with POPIA.

Where the Municipality learns that a Third-Party contractor is using or disclosing Personal Information in a manner contrary to POPIA, Council will take reasonable steps to prevent such use or disclosure.

5.3. PLANNED TRANSBOARDER FLOWS (SECTION 14(1)(c)(iv))

In carrying out any cross-border transfers, the Municipality shall adhere to the provisions of POPIA.

5.4. INFORMATION SECURITY MEASURES (SECTION 14(1)(c)(v))

The security and confidentiality of Personal Information is important to uMgungundlovu. The Municipality has implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.

The Municipality is committed to ensuring that its security measures which protect Data Subject's Personal Information are continuously reviewed and updated where necessary.

In Processing any Personal Information, the Municipality shall comply with the following minimum technical and organisational security requirements.

- a) Physical Access – Access to Personal Information is restricted in UMDM's offices and only to those Employees who need the Personal Information to perform a specific job / task.
- b) Unique User Identification – Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of the Municipality's password and confidentiality policy.
- c) [Passwords – UMDM shall ensure that there are passwords required for any access to Personal Information in line with its password policy.
- d) Physical access and privileges – The Municipality ensures that access to Personal Information is limited to Employees on a "need to know" basis, and UMDM's Employees are required to strictly utilise their unique user ID and applicable passwords to access same.
- e) Back-ups – The Municipality ensures that all Personal Information is backed-up regularly, based on operational or legal requirements, and that back up testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, damaged or destroyed.

- f) Malware protection – UMDM ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect Council from the most recent malware infections.
- g) Vulnerability scanning – The Municipality frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats

6. ORGANISATIONAL RECORDS

“Records” of the uMgungundlovu District 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 all of which could be available in different media eg electronic, paper or dvd. What follows is a list of the subjects on which the uMgungundlovu District Municipality holds records.

Given the wide range of services provided, this listing of records is constantly being updated and may change over time. The method of managing records in the Municipality is in accordance with national archive requirements.

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

-
- Legislation
 - Management And Administration
 - Finance
 - Human Resources
 - Plant And Equipment , Suplies And Services
 - Legal Matters
 - Marketing And Public Relations
 - Liaison With Organisations
 - Council And Council Matters
 - Restructuring And Strategic Planning
 - Special Projects
 - Municipal Property and Accommodation
 - Town Planning
 - Housing
 - Roads, Pavements and Stormwater Drainage
 - Water
 - Energy Supplies
 - Waste Management
 - Urban Environment Management
 - Health
 - Protection Services

- Licensing And Permits
- Community Development
- Economic Development
- Passengers Transport Services and Transportation

The full filing system is available at the Registry, uMgungundlovu District Municipality, 242 Langalibalele Street, Pietermaritzburg 3200.

7. PROCEDURE FOR REQUESTING INFORMATION

7.1. Access Given

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

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

7.2. Form of Request

- The request must be made in writing on the prescribed form (Form 1) , and be forwarded to The Information Officer / Deputy Information Officer.
- 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.
- The application form must be accompanied by the prescribed request fee.
- If a person asks for access in a particular form, the requester would be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the office, would damage the record, 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. by telephone / fax / 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.
- When a requester is unable to read or write or has a disability, the request can be made orally. In such a case, the Information Officer / Deputy Information Officer must complete the form on behalf of the requester.

7.3. Fees Payable

- In terms of the Act, two types of fees are required to be paid, namely the request fee and the access fee.
- A requester who seeks access to a record containing personal information about that 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 before further processing the request. The request fee payable is R35 (thirty-five Rand). The requester may lodge an internal appeal or an application to the court against payment of the request fee.

REQUEST FEE (TO REQUESTERS OTHER THAN PERSONAL REQUESTERS) S 7 (2)	R 35.00
<ul style="list-style-type: none"> • REPRODUCTION/ACCESS FEES • FOR THE MANUAL: FOR EVERY PHOTOCOPY OF AN A4 SIZE OR PART THEREOF. • ALSO, ANY OTHER A4 SIZE COPY 	60c
EVERY PRINTED COPY OF AN A4 SIZE PAGE OR PART THEREOF HELD ON A COMPUTER OR IN ELECTRONIC MACHINE READABLE FORM	40c
FOR A COPY ON A STIFFY DISC	R 6.00
FOR A COPY ON A COMPACT DISC	R 40.00
FOR TRANSCRIPTION OF VISUAL IMAGES FOR A 4 SIZE PAPER OR PART THEREOF	R 22.00
FOR A COPY OF VISUAL IMAGES	R 60.00
FOR A TRANSCRIPTION 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
TO SEARCH FOR AND PREPARE THE RECORD FOR DISCLOSURE	R 15.00 per hour or part thereof, excluding the first hour
<p>For the purposes of S 22 (2) of the Act, the following applies:</p> <ul style="list-style-type: none"> (a) Six hours as the hours to be exceeded before a deposit is payable (b) One third of the access fee is payable as a deposit by the requester (c) In terms of S 54(4) the municipality will repay any deposit received should the information be request for access to information be refused. 	
POSTAGE IS PAYABLE BY THE REQUESTER WHEN A COPY OF THE RECORD MUST BE POSTED	
<u>NB</u> IF THE INFORMATION OFFICER BELIEVES THAT THE RESEARCH AND PREPARATION OF THE RECORD WILL REQUIRE MORE THAN SIX HOURS, THE INFORMATION OFFICER MAY NOTIFY THE REQUESTER (EXCLUDING PERSONAL REQUESTER) TO PAY A DEPOSIT OF ONE THIRD OF THE ACCESS FEE.	

7.4. Decision and Notice

- After the Information Officer / Deputy Information Officer has made a decision on the request, the requester will be notified thereof within 30 (thirty) days after the request has been received, unless the period to deal with the request has been extended.
- If the request is granted, a further access fee must be paid for the search, preparation and reproduction of the record where applicable. See also Annexure G for fees payable.
- The requester will be given the required information, if available, within a reasonable time after receipt of the application form and prescribed fee.

7.5. Transfer of Requests

If a request for access is made for information which is not in the possession of the Municipality, or if the information is more closely connected to another public body, the request will be transferred within 14 (fourteen) days after the request has been received, to the other body/institution/organisation who could provide the information.

7.6. Records not found / Does not exist.

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 Officers will by means of an affidavit/affirmation inform the requester, accordingly, giving full reasons.

7.7. Deferral of Access

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.

7.8. Refusal Of Access to Records

The Information Officer / Deputy Information Officers may refuse access to records under the circumstances as provided for in part 2, chapter 4, of the Act.

7.9. Remedies

Remedies available if the Municipality does not comply with the provisions of the Act. 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 requested form.

A third party may lodge an internal appeal with the Municipality against a decision by the Information Officer or Deputy Information Officers to disclose information relating to the third party.

7.10. Appeal Procedure

An internal appeal must be lodged on the prescribed form which is attached as **Form 2** within the following prescribed periods:

- A period of 60 (sixty) days.
- If notice to a third party is required by 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.

7.11. Internal Appeals.

- Must be delivered, posted, faxed or sent by electronic mail to the Information Officer or to one of the Deputy Information Officers.
- Must identify the subject of the internal appeal and give reasons for the appeal.

- Must state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply.
- Must, if applicable, be accompanied by the prescribed appeal fee.
- Must specify a postal address, fax number or e-mail address.
- The Information Officer or Deputy Information Officer must within 10 (ten) working days after receipt of an internal appeal, submit it to the Appeal Authority, namely the Speaker, for consideration.
- Late appeals may be allowed if good cause can be shown.
- A requester or third party may only apply to a court if the internal appeal procedure against a decision of the Information Officer or Deputy Information Officer has been exhausted.

8. DESCRIPTION OF THE SUBJECTS ON WHICH UMDM HOLDS RECORDS AND CATEGORIES OF RECORDS IT HOLDS

SUBJECTS ON WHICH THE BODY HOLDS RECORDS	CATEGORIES OF RECORDS HELD ON EACH SUBJECT
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	<ul style="list-style-type: none"> ▪ HR policies and procedures. ▪ Advertised posts. ▪ Employees records. ▪ Learning and development e.g. skills development and training plans ▪ Employment equity plan and statistics
Finance	Budget: <ul style="list-style-type: none"> ▪ Capital and operating budget ▪ Estimates of income and expenditure ▪ Financial records ▪ Reports of the auditor general
Economic Development	<ul style="list-style-type: none"> ▪ Integrated development plan ▪ Planning: <ul style="list-style-type: none"> ▪ Town planning scheme ▪ Building plans ▪ Maps
OMM	<ul style="list-style-type: none"> ▪ Delegations to: <ul style="list-style-type: none"> ▪ Political office bearers ▪ Councilors ▪ Members of staff ▪ Structures (exco, sub-councils, portfolio committees and other committees) ▪ Publications ▪ All publications by and on behalf of the municipality and which have been made public or presented to council
Council Support	<ul style="list-style-type: none"> ▪ Name, office address, office telephone number ▪ Election details and political party details ▪ Position in council, e.g. member of committee and if office bearer whether full or part-time ▪ Council representation on outside bodies ▪ Salary, allowances ▪ Declaration of interests in terms of the msa

<p>Corporative services</p>	<p>Agendas and minutes:</p> <ul style="list-style-type: none"> ▪ Agenda and minutes of all council meetings, it's committees and sub-committees (excluding the human resources committees) and excluding those minutes and agendas that have been marked "confidential" or subject to items that are legally privileged in terms of council's rule of orders. <p>Business details:</p> <ul style="list-style-type: none"> ▪ Name, locality, address, telephone number, contact person, hours of business of all council offices, depots, installations, facilities, and amenities. ▪ Council legislation, by-laws and policies
<p>Supply Chain</p>	<ul style="list-style-type: none"> ▪ Tenders awarded. ▪ Names and contact details of contractor's service provider

9. CATEGORIES OF RECORDS OF UMDM WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

9.1. Agendas and minutes

Agendas and minutes of all council meetings, its committees, and sub-committees (excluding the human resources committees) and excluding those minutes and agendas that have been marked “**confidential**” or subject to items that are legally privileged in terms of council’ s rule of orders.

9.2. Business details

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

9.3. Councillors

Information regarding each councillor’s including:

- Name, office address, office telephone number.
- Election details and political party details.
- Position in Council, eg member of committee a, and if office bearer whether full or part-time;
- Council representation on outside bodies.
-

9.4. Structures (including council, executive committee, portfolio committees and other committees)

- Composition, names of members, office bearers, seat, political membership
- Information regarding meetings.

9.5. Council legislation, by-laws, and policies

Delegations to:

- Political office bearers
- Councillors
- Members of staff
- Structures (exco, sub-councils, portfolio committees and other committees)

9.6. Budget

- Capital and operating budget
- Estimates of income and expenditure
- Reports of the auditor general

9.7. Integrated Development Plan (IDP)

9.8. Financial records

9.9. Registers where available

9.10. Tariffs, fees and surcharges etc.

Personal information of members of staff in terms of section 34 (2) (f) of the act relating to:

- The fact that the individual is or was an official.
- Title, work address, work telephone number and other similar particulars of the individual

9.11. Publications

All publications by and on behalf of the Municipality and which have been made public or presented to council.

9.12. Tenders

- Tenders awarded.
- Names and contact details of contractors and service providers.

9.13. Planning

- Town planning scheme
- Building plans.
- Maps

10. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES

Section 16 (1) of the Municipal Systems Act (MSA) states that: "A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance". In complying with this legislative provision uMgungundlovu District Municipality involves the public in respect to the following activities.

- Preparation of the Integrated Development Plan (IDP);
- Establishment, implementation, and review of the Performance Management System.
- Participation in the Budget Process.
- Strategic decisions relating to the provision of municipal services.

10.1. ANNUAL REPORT CONSULTATIONS

The uMgungundlovu District Municipality involves its community in through annual report consultative sessions in accordance with the following pieces of legislation.

Section 41:

(1) A municipality must in terms of its performance management system and in accordance with any regulations and guidelines that may be prescribed-

- (e) Establish a process of regular reporting to the public and appropriate organs of state.

Section 42

A municipality, through appropriate mechanisms, processes and procedures established in terms of Chapter 4 of the Municipal Systems Act, must involve the local community in the development, implementation and review of the municipality's performance management system, and, in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets for the municipality.

Municipal Finance Management Act 56 of 2003

Section 127 states that Immediately after an annual report is tabled in the council, the accounting officer of the municipality must

- (a) In accordance with section 21A of the Municipal Systems Act
 - (i) Make public the annual report
 - (ii) Invite the local community to submit representations in connection with the annual report; and
- (b) Submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.

The Municipal Public Accounts Committee is delegated the responsibility to conduct public consultative meetings and to receive and hear public submissions on the Annual Report, on behalf of the Municipal Council.

PARTICIPATIVE STRUCTURES

Participation in Council/Section 79, 80 Committee Meetings: In terms of Section 19 of the Municipal Systems Act, the Municipal Manager must give notice of Council meetings in a manner determined by the Council. A notice must be published once a year in the local media, setting out the program of meetings for the year. Council agendas/minutes are public documents and should be available on request.

In terms of Section 20 of the Municipal Systems Act, Council may exclude the public and the media from a meeting when the nature of the report requires that to be done. In-committee decisions will then be taken, but the resolutions will also be public in nature.

Despite the transparent nature of Council meetings, the public and the media do not have any speaking or voting rights.

Mayoral iMbizo / Budget and IDP Consultative Forum

The IDP/Budget Imbizo is a platform to discuss issues that relate to the development and implementation of the Integrated Development Plan, and related budgetary allocations. The mayor should chair this Forum.

The Forum is made up of representatives of key stakeholder groupings and representation from Ward committees. The IDP/Budget Forum is advisory in nature and makes recommendations to Council on matters relating to vision and strategies around service delivery, infrastructure development, as well as economic development and poverty alleviation issues.

Participation through Ward Committees: The Constitution of the Republic of South Africa, 1996, (Section 152(1)(e)) states that municipalities must encourage the involvement of communities and community organisations in local governance. The ward participatory system of municipal government allows for the establishment of Ward Committees to facilitate such participation.

11. AVAILABILITY OF UMDM'S PAIA MANUAL

The uMgungundlovu District Municipality has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Guide is available in each of the official languages.

- a) isiZulu
- b) English
- c) Afrikaans

The aforesaid Guide contains the description of-

- The objects of PAIA and POPIA.
- The postal and street address, phone, and fax number and, if available, electronic mail address of-
 - The Information Officer of the public body, and
 - Deputy Information Officer of the public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA.

The manner and form of a request for-

- Access to a record of a public body contemplated in section 11; and
- Access to a record of a private body contemplated in section 50.

The assistance available from the Information Officer of a public body in terms of PAIA and POPIA.

The assistance available from the Regulator in terms of PAIA and POPIA.

all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

- An internal appeal.
- A complaint to the Regulator; and
- An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body.

The provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual.

The provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively.

The notices issued in terms of sections 22 and 54¹ regarding fees to be paid in relation to requests for access; and

The regulations made in terms of section 92.

Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the uMgungundlovu District Municipality, during normal working hours.

The Guide can also be obtained-

- .1.2. Upon request to the Information Officer or
- .1.3. From the website of the uMgungundlovu District Municipality <https://www.umd.gov.za/>.

REQUEST FOR ACCESS TO RECORDS OF UMGUNGUNDLOVU DISTRICT MUNICIPALITY
FORM
 (In terms of Section 18(1) of Promotion Access to information Act No. 2 of 2000)
 Regulation 6

FOR DEPARTMENTAL USE

REQUEST RECEIVED BY

INFORMATION OFFICER		DEPUTY INFORMATION OFFICER	
Name		Name	
Surname		Surname	
Rank		Rank	

PARTICULARS OF THE REQUESTER

Date		Place	
FEE APPLICABLE			
Request fee (if any)	R		
	R		

REQUEST INFORMATION

PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION

Surname		First Name	
Identity Number		E-mail address	
Telephone number		Facsimile no.	
Postal address			

PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE (IF APPLICABLE)

Surname		First Names	
Identity Number		E-mal address	
Telephone Number		Facsimile Number	

DESCRIPTION OF RECORDS OR RELEVANT PART OF THE RECORD REQUESTED

REFERENCE (if applicable):	
Fees	

- NOTES:**
- (a) A request for access to a record, other than a record contained 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** is a record depends on the forms 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.

EXEMPTION OF PAYMENT OF ANY FEES

FORM OF ACCESS TO RECORD

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) If the record is not available in the language you prefer, access maybe granted in the language in which the record is available.
- (c) 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.
- (d) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

(Mark the appropriate shaded box with an X.)

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	Inspection of record
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2. If the record consist of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcription of the images*
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3. If the record consist of the recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the sound track (audio cassette)	<input type="checkbox"/>	Transcription of sound track* (written or printed)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	Printed copy of record	<input type="checkbox"/>	Printed copy of information derived from the record*	<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disc)
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* If you request a copy or transcription of a record (above), do you wish the copy or transaction to be posted to you?

YES

NO

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 above, state your disability and indicate I which form the record is required.

Disability	
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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 in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

SIGNATURE

Signed at		Date	
Signature of Requester			

NOTICE OF UMGUNGUNDLOVU DISTRICT MUNICIPALITY INTERNAL APPEAL FORM
(in terms of Section 75 of the Promotion of Access to Information Act No. 2 of 2000)

A) PARTICULARS OF PUBLIC BODY

INFORMATION OFFICER		DEPUTY INFORMATION OFFICER	
NAME		NAME	
SURNAME		SURNAME	
RANK		RANK	
SIGNATURE		SIGNATURE	

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

NOTES:

- a) The particulars of the person who lodge 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

SURNAME		FIRST NAMES	
IDENTITY NUMBER		E-MAIL ADDRESS	
TELEPHONE NO.		FACSIMILE NO.	
POSTAL ADDRESS			

CAPACITY IN WHICH AN INTERNAL APPEAL ON BEHALF OF ANOTHER PERSON IS LODGED:

C) PARTICULARS OF REQUESTER

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

SURNAME		FIRST NAMES	
IDENTITY NUMBER		E-MAIL ADDRESS	
TELEPHONE NO.		FACSIMILE NO.	
POSTAL ADDRESS			

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 the period within which the request must be dealt with in terms of section 26 (1) of the Act
	Decisions in terms of section 29 (3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

E) GROUNDS FOR APPEAL

NOTE: If the provided space is inadequate, please continue on a separate folio and attach it to this form.

You must sign all the additional folios.

State the grounds on which the internal appeal is based:
State any other information that may be relevant in considering the appeal:

F) NOTICE OF DECISION ON APPEAL

NOTE: You will be notified in writing of the decision of 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:
G) SIGNATURE

Signed at		Date	
Signature of the Requester			

**FOR DEPARTMENTAL USE:
OFFICIAL RECORD OF INTERNAL APPEAL:**

Date appeal received on	
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INFORMATION OFFICER		DEPUTY INFORMATION OFFICER	
NAME		NAME	
SURNAME		SURNAME	
RANK		RANK	
SIGNATURE		SIGNATURE	

NOTE: 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 (date) to the relevant authority.

OUTCOME OF APPEAL

Decision of Information Officer/Deputy Information Officer	Confirmed			New	
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New Decision:	

SIGNATURE OF RELEVANT AUTHORITY

Relevant Authority		Date	
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RECEIVED BY INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY

INFORMATION OFFICER		DEPUTY INFORMATION OFFICER	
NAME		NAME	
SURNAME		SURNAME	
RANK		RANK	
SIGNATURE		SIGNATURE	
DATE		DATE	

