



MAKHUDUTHAMAGA
LOCAL MUNICIPALITY

PROMOTION OF ACCESS
TO
INFORMATION MANUAL

PREPARED IN ACCORDANCE WITH SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2
OF 2000

SECTION 14 MANUAL FOR MAKHUDUTHAMAGA LOCAL MUNICIPALITY

1. PREAMBLE

The Makhuduthamaga Local Municipality was established by way of section 12 notice in accordance with Local Government Municipal Structures Act, 1998 (Act 117 of 1998) as a plenary council with ward committees.

The Promotion of Access to Information Act gives effect to section 32 of the constitution of South Africa, which provides that everyone has the right to access any information held by the state or any information that is held by another person, where such information is required for the exercise or protection of any rights. The Makhuduthamaga Local Municipality has to publish such section 14 manual to give effects to the constitutional right of any person or entity that would like to request access to information held by the municipality, subject to the provisions of the Promotion of Access to Information Act.

2. PARTICULARS OF THE MAKHUDUTHAMAGA LOCAL MUNICIPALITY

Name of body : Makhuduthamaga Local Municipality

The Honourable Mayor: Cllr. Mahlase M
Speaker: Cllr. Mphelane J
Exco Members: Cllr. Matjomane NM
Cllr. Phala M
Cllr. Mohlala MJ
Cllr. Morwamakoti M
Cllr. Rankoe TP
Cllr. Malaka S
Cllr. Moretsele LP
Cllr. Mohlase NE
Cllr. Machaba G

The full time councillors who are members of the Executive Committee are Cllr. Matjomane NM and Cllr Mohlala MJ

Part of the organisation of the Makhuduthamaga Local Municipality has the standing portfolio committee system that the Council established. This committee system is based on the following principles:

- The committee system ensures that all councillors are involved in decision making and policy making.
- All matters are properly considered and debated prior to decisions being taken, and
- Provides the political supervision and accountability over the administration.

The following Departments are within the Makhuduthamaga Municipality:

- Budget and Treasury
- Corporate Services
- Infrastructure Services
- Economic Development and Planning
- Community Services
- Municipal Manager's Office

The following Officials are the Senior Managers of Makhuduthamaga Local Municipality.

| | |
|-----------------------|---|
| Municipal Manager: | Mr. Moganedi RM |
| Acting CFO: | Mr. Mathabathe C |
| Senior Manager: | Mr Matsetse PE (Corporate Services) |
| Senior Manager: | Ms.Lubisi N (Infrastructure Services) |
| Senior Manager: | Ms. Mashao MA (Community Services) |
| Acting Senior Manager | Ms. Tong KT (Economic Development and Planning) |

Any person who wishes to request any information from the Makhuduthamaga Local Municipality with the object of protecting or exercising a right may contact the Senior Manager – Corporate Services. The Municipality has sixty-one (62) councillors. Thirty-one (31) of these are elected and thirty one (31) others are appointed proportionally.

In terms of chapter 7 of the constitution of the Republic of South Africa, 1996, the Municipality has executive, legislative and administrative authority and is empowered to administer the following functions:

- a) **Building regulations**
- b) **Local tourism**
- c) **Municipal Planning**
- d) **Trading regulations**
- e) **Vehicle licensing and registration**
- f) **Municipal roads**
- g) **Land Use and spatial development**
- h) **Fencing of cemeteries**
- i) **Waste Collection**
- j) **Storm Water**
- k) **Street lighting**
- l) **Street trading**
- m) **Learners and drivers licensing**

3. SECTION 10 GUIDES ON HOW TO USE THE ACT (SECTION 14(1), (C)).

The section 10 guide referred to in the Act, shall be made available for perusal at the municipality Office of Corporate Services -Senior Manager (Deputy Information

Officer), as soon as it is published by the South African Human Rights Commission in accordance with the act. In an easy comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

3.1 The aforesaid guide contains the description of –

3.1.1 The objects of PAIA and or POPIA

3.1.2 The postal and street address, phone, and electronic mail address of the information officer and deputy information officer designated and or delegated in terms of section 17(1) of PAIA and section 56 of POPIA.

3.1.3 The manner and form of request for access to a Makhuduthamaga Municipality record

3.1.4 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 court against a decision by the information officer of Makhuduthamaga Municipality and decision on internal appeal.

3.1.5 The provisions of section 145 and 516 requiring Makhuduthamaga Municipality to compile a manual, and how to obtain access to a manual.

4. KEY CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

4.1. The Municipal Manager is the Information Officer in terms of the Promotion of Access to Information Act.

Name: Mr. Ronald Moganedi

Telephone: 013 265 8660

Email address: ronaldm@makhuduthamaga.com

Postal address : Private Bag X434 JANE FURSE 1085

Physical Address : 01 Groblersdal Road, JANE FURSE 1085

4.2 Deputy Information Officer

The Deputy Information Officer have been designated in terms of section 17 (3) of the Act for MLM and the contact details are as follows:

Senior Manager Corporate Services

Name: Mr. Pakeng Matsetse

Telephone: 013 265 8731

Email address: pakengm@makhuduthamaga.gov.za

Postal address : Private Bag X434 JANE FURSE 1085

Physical Address : 01 Groblersdal Road, JANE FURSE 1085

4.3. Access to information general contacts

Email: Info@makhuduthamaga.gov.za

Website: www.makhuduthamaga.gov.za

5. THE REQUEST PROCEDURES

A requester will be given access to such records in the possession of Makhuduthamaga Local Municipality if the requester complies with the following requirements:

- a) The requester complies with all the procedural requirements in the Act relating to the request for access to that record and
- b) Access to that record is not refused on any ground of refusal mentioned in the Act.

5.1. Makhuduthamaga Local Municipality may refuse to grant access to records on the following grounds:

- a) Mandatory protection of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- b) 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 Makhuduthamaga Local Municipality if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- d) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- e) Information which, if disclosed could put Makhuduthamaga Local Municipality at a disadvantage in negotiations or commercial competition;

5.2. Application Process

5.2.1 The request

When a person wishes to access information held by Makhuduthamaga Local Municipality, such a person must make a request for access to the relevant information in the prescribed form (i.e. Form A printed in the Government Gazette (Government Notice R187 of 15 February 2002). This form is available on the government. These form will be available from the Senior Manager –Corporate Services (Deputy Information Officer) and will be provided free of charge.

The completed request form may be submitted in anyone of the following ways:

- By hand to: The Deputy Information Officer Makhuduthaaga Local Municipality, Stand No. 01 Groblersdal Road, JANE FURSE 1085
- a) The requester must also indicate whether the request is for a copy or if the requester wants to come in and look at the record at the offices of the municipality.
- b) The requester must also indicate if a copy of the records is required or ask for permission to come in and look at the record. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [Sec. 29(2)]
- c) If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [sec. 18(2)(f)].
- d) The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- e) There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee [Sec 22]:**

- f) The request fee is R35. The rest of the fees are reflected under fees item below. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- g) After the information officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- h) If the request is granted then a further access fee must be paid for the search, preparation, and reproduction and for any time that has exceeded in the prescribed hours to search and prepare the record for disclosure.

5.2.2 Validation and acknowledgement

The Deputy Information Officer receives and validates the request to ensure that the required information is available within Makhuduthamaga Local Municipality. The request is then accepted, rejected or transferred to the relevant department of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

5.2.3 Information Processing

If the request is accepted, Makhuduthamaga Local Municipality will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in terms of fee structure.

5.2.4 Final Notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to the Municipality.

5.2.5 Payment and Delivery

Once the payment as stipulated in 5.2.4 has been received (Including the payment process in 5.2.1)

| THE FOLLOWING INFORMATION WILL BE MADE AVAILABLE FREE OF CHARGE | THE FOLLOWING INFORMATION WILL BE MADE AVAILABLE FOR PURCHASE OR COPYING FROM THE MUNICIPALITY AT THE RATES OUTLINES IN THE TARIFF SCHEDULE | THE MUNICIPALITY RENDERS THE FOLLOWING ADDITIONAL SERVICES SUBJECT TO PAYMENT OF THE RELEVANT TARIFFS AND PRESCRIBED FEES, AND SUBMITTING OF PRESCRIBED APPLICATION FORMS AND OR OTHER DOCUMENTS |
|---|--|--|
| <ul style="list-style-type: none"> • IDP and Budget • Township planning information, except maps • Verbal information from valuation roll • Information contained in this manual • Information contained in the guide issued by the Human rights commission • Organisational structure • Departmental policies • Newsletters • Service standards | <ul style="list-style-type: none"> • Full set of a By-law • Complete budget document • Town map or section or town planning maps • Complete Integrated Development Plan or extracts, as required | <ul style="list-style-type: none"> • Traffic and licensing services • Township development approval • Property Rates |

6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY MAKHUDUTHAMAGA LOCAL MUNICIPALITY

- 6.1 Remedies in respect of acts or failure to act in terms of Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Mayor (Section 74-77). After exhausting the internal appeal remedy a review application may be lodged in court (section 78-82).
- 6.2 If the requester of third party is not happy about outcome by Makhuduthamaga Local Municipality, the information regulator or any regulatory body may be approached.
- 6.3 If the municipality fail to comply with the provision of PAIA, the requester or any aggrieved person may, in accordance with section 78 of PAIA and the

Promotion of Justice Act 3 of 2000(PAJA) approach the court with jurisdiction for appropriate relief.

Records that are automatically available to the public are for view on the municipal's website, excluding all Records which may be housed under any password protected which are available to authorised municipal users only.

7. DESCRIPTION OF ARRANGEMENT OR PROVISION FOR A PERSON EITHER BY WAY OF CONSULTATION, OR MAKING REPRESENTATIONS TO PARTICIPATE IN OUR INFLUENCE

- a) Formulation of policy
- b) The exercise of power or performance of duties by the municipality
- c. In accordance with the Local Government Municipal Structures Act no. 117 of 1998, ward committees are established for participation of members of a particular ward in any matter which affects their ward;
- d. Council meetings are held and members of the public are welcome to attend the meetings and observe.
- e. Members of the public are invited to comment on draft By-laws before such By-laws are adopted by Council and published in the provincial gazettes in accordance with the Local Government Municipal System Act, no 32 of 2000.
- f. Provision is made in the rules of probity of Makhuduthamaga Municipality, promulgated under notice number for new motions, deputations and petitions to be submitted to the Municipal Manager for consideration by council.

8. PAYMENT/FEES

- 8.1 There are two types of fees required to be paid in terms of PAIA, being the request fee and the access fee (sec.22). A requester who seeks access to a record containing personal information about him or her is not required to pay the request fee. Any other requester, who is not a personal requester, must pay the request fee.
- 8.2 The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- 8.3 After the information officer has made a decision on the request, the requester must be notified of such a decision in the manner in which the requester wanted to be notified.

- 8.4 If the request is being granted, then further access fee must be paid for search, preparation and reproduction.
- 8.5 The fees that have been prescribed are contained in the Regulations promulgated by PAIA and must be paid by a requester before the municipality can make any records requested available to the requester. A copy of the prescribed fees is contained herein and is marked Schedule 4.
- 8.6 Fees are payable at the Cashier's office, Main Building, Makhuduthamaga Local Municipality.

9. Records and categories of records held by Makhuduthamaga Local Municipality

The municipality categorizes the records and information relevant to its function and services provided into the following broad categories:

9.1 Categories automatically available to employees

The under mentioned records are available to employees of the municipality without having to follow the procedure set out in this manual and there are no fees payable. A copy of records is contained herein and is marked **Schedule 1**.

9.2 Categories automatically available to the general public without formal request

Various legislation on Local Government such as MFMA determine that the certain documents must be made available and put on the website of a municipality and such documents is to be made readily available to the public. Such documents or records are provided free of charge. The condition for the use of the information or records can be found on the website. See Schedule1 hereunder.

9.3 Categories which are not automatically available to public

These records can only be made available at a prescribed fee if the Deputy Information Officer so approves. See Schedule 1 hereunder.

10. AVAILABILITY OF THE MANUAL

This manual will be made available in the following official languages

- 10.1 English
- 10.2 Sepedi

10.3 Braille

10.4 Audio

A copy of this manual or updated version thereof, shall be available as follows-

- MLM Website at www.makhuduthamaga.gov.za
- Makhuduthamaga Local Municipality Main office and Satellite Offices
- To any person upon request
- To the Information Regulator upon request

11. UPDATING OF THE MANUAL [SECTION 12(2)]

The municipality will if necessary, update and publish its manual referred to in subsection 1 of section 14 annually.

SCHEDULE 1

FORM D

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS

| DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 | MANNER OF ACCESS OF RECORDS |
|--|---|
| CATEGORIES AUTOMATICALLY AVAILABLE TO EMPLOYEES | |
| Personnel records relevant to the employee or requester and no other employee. | NO FORMAL REQUEST AND FREE OF CHARGE |
| Records of disciplinary hearings and related matters relevant to the employee or the requester. | |
| The municipality's policies, procedure, guidelines and all documents to which the general public is entitled to without having to follow the prescribed procedures | |
| CATEGORIES AUTOMATICALLY AVAILABLE TO PUBLIC | |
| Local Government Legislation | NO FORMAL REQUEST AND FREE OF CHARGE |
| Approved policies | |
| Promulgated By-Laws | |
| Approved Integrated Development Plan | |
| Approved Budget | |
| Budget Speech | |
| Adjustment Budget | |
| Approved tariffs | |
| Annual Report including the auditor general's comments | |
| Approved service delivery implementation plan and quarterly progress | |
| Agenda and approved minutes of council, excluding those parts which relate to personnel matters and which are excluded in terms of relevant legislation | |
| Council resolutions | |
| Agenda and approved minutes of the mayoral committee which do not have to serve before council | |
| Service charter | |
| Employee bursary allocations | |

Prescribed fees scales**Schedule 2****Part II of notice 187 in the government gazette on the 15 February 2002 fees in respect of public bodies**

1. The fee for a copy of the manual as contemplated in regulation 5 (c) is 0.60 for every photocopy of an A4 – size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follow:
 - (a) For every photocopy of an A4-size page or part thereof 0.60
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form 0.40
 - (c) For a copy in a computer-readable form on -
 - Stiffy disc 5.00
 - Compact disc 40.00
 - USB 55.00
 - (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof 22.00
 - (ii) For a copy of visual images 60.00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof 12.00
 - (ii) For a copy of an audio record 17.00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35.00
4. The access fees payable by a requester referred in a regulation 7(3) are as follows:
 - 4.1
 - (a) For every photocopy of an A4 –size page or 0.60
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form 0.40
 - (c) For a copy in a computer-readable form on-
 - (i) Stiffy disc 5.00
 - (ii) Compact disc 40.00
 - (iii) USB 55.00

- | | | | |
|------------|---|--|---------------|
| (d) | (i) | For the transcription of an audio record, for an A4-size Page or part thereof | 22.00 |
| | (ii) | For a copy of visual images | 60.00 |
| (e) | (i) | For a transcription of an audio record for an A4-size Or part thereof | 12.00 |
| | (ii) | For a copy of audio records | 17.00 |
| (f) | To search for and prepare the record for disclosure, each hour or part of an hour, excluding the first hour reasonably | | R15.00 |
| | 17.00 required for such search and preparation. | | |

4.2 For purposes of section 22(2) 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

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



REQUEST FORM (FORM A)

(Section 15 of the Promotion of Access to Information Act, 2000)

REQUEST FOR ACCESS TO A RECORD OR RECORDS OF THE MAKHUDUTHAMAGA LOCAL MUNICIPALITY (section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

I..... I.D. No

Residing at

Hereby request the access to a record or records in terms of the aforementioned Act.

Details of record/records

.....
.....
.....

.....
Signature

.....
Date

FOR DEPARTMENTAL USE

Request received by
(Name and Surname of officer) on..... at
.....

Reference number:

Request Fee (if any) : R

Deposit (if any) : R

Access Fee : R

.....

.....
Signature

.....
Designation