



Promotion of Access to Information Act Manual

John Taolo Gaetsewe District Municipality

Reviewed: 30 November 2010

A copy of the manual (available in English, Afrikaans and Setswana) will be available for inspection at:

Places of legal deposits as defined in the Legal Deposit Act No 54 of 1997

- City Library Services, Bloemfontein
- Library of Parliament, Cape Town
- Natal Society Library, Pietermaritzburg
- South African Library, Cape Town
- State Library, Pretoria

Every office of the public body

- *4 Federale Mynbou Street, Kuruman*
- *Produkte Road, Kuruman*
- *Kort Street, Vanzylsrus*
- *Ga-Segonyana Municipality*
 - *School Street, Kuruman*
- *Gamagara Municipality*
 - *H van Eck Road, Kathu*
 - *Joe Morolong Local Municipality*
 - *Churchill Village*

Public body web site: www.taologaetsewe.org.za

The Human Rights Commission

Private Bag X2700
Houghton
2041

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1. Introduction

The Promotion of Access to Information Act of 2000 came into effect in March 2001. The purpose of this Act is to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal Address: Private Bag 2700
Houghton
2041
Phone: (011) 484 8300
Fax: (011) 484 0582
E-mail: PAIA@sahrc.org.za
Website: www.sahrc.org.za

In terms of Section 14(1) of the Promotion of Access to Information Act, the information officer of all public bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfill this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) should be addressed to the contact person as identified in section 7 of this manual, as he/she is our designated Information Officer.

2. Overview of the functions, services and structure of the public body

2.1 Functions

The functions of local government are -

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

John Taolo Gaetsewe District Municipality's vision:

Working together for a better life for all in the district.

Mission

The mission of the John Taolo Gaetsewe District Municipality, as the legitimate representative of the local community, is as follows;

- **Accelerating the implementation of integrated development initiatives and providing support to local municipalities**

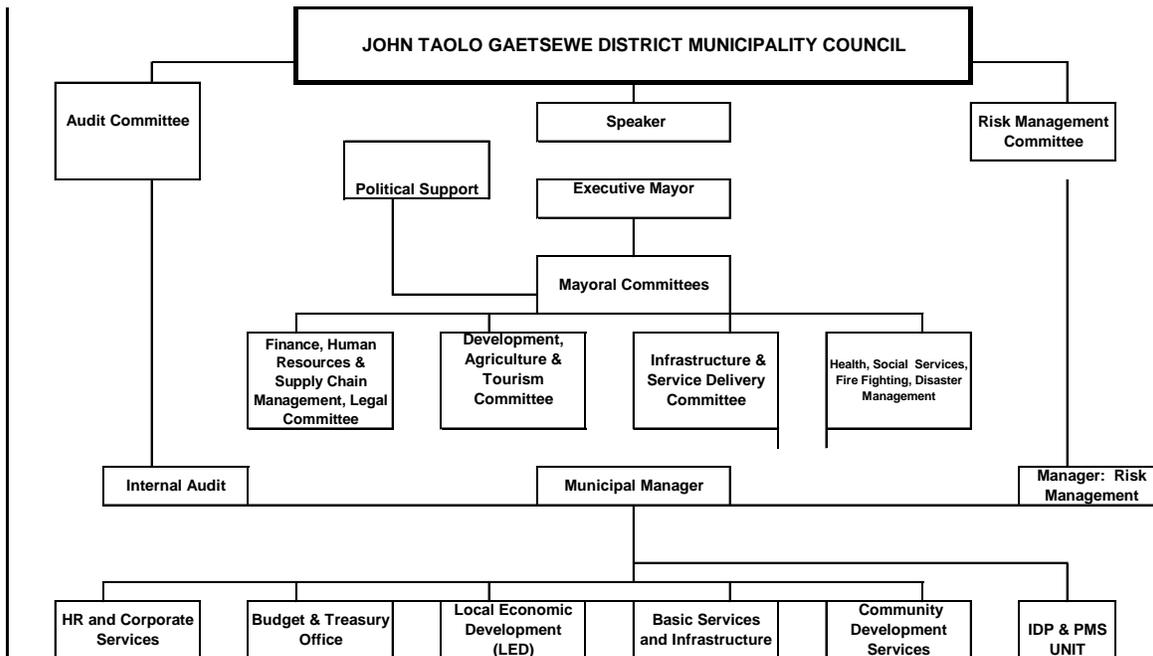
Services

Service	How to access the service
District Municipality	
Promotion of local tourism for the area of the District Municipality	Collective service
Agency Services: Roads	Collective service
Bulk electricity	Application form
Bulk refuse and sanitation	Application form
Bulk water and sewerage	Application form
Disaster management	Collective service
Environmental Health	Collective service
Primary Health Care	Register as patient
Roads & Storm water	Collective service
District Management Area	
Building Control	Application form
Cemetery	Application form
Commonage	Register
Housing	Application form
Community Halls	Application form
Refuse Removal	Application form
Sewerage	Application form
Sports & Recreation	Collective service
Water	Application form

2.3 Structures

The John Taolo Gaetsewe District Municipality, a category C Municipality, has been established in terms of Official Notice 32 of 2000 of the Municipal Systems Act. The Municipality which was formerly known as the Kgalagadi District Municipality, was renamed after John Taolo Gaetsewe one of the unsung heroes of the struggle for liberation who hailed from Maruping village in 2008.

The district municipality has a mayoral executive system and comprises of the following municipalities: Ga-Segonyana, Gamagara and Joe Morolong which was formerly known as Moshaweng. There are 17 councilors of which the Mayor and Speaker and the Mayoral Committee are designated as full time.



3. General public participation in our affairs

The general public participates in the municipal affairs in the following manners:

- Workshops
- Community meetings
- Information center
- Communication Policy
- Newsletters
- Printed press
- Disaster Management Information Centre
- Community Radio Station

4. Remedies available in respect of an act of the body or a failure to act by the body

The following remedies are available:

- Internal Appeals

An internal appeal is available in terms of Section 75 of the Promotion of Access to Information Act 2 of 2000. An internal appeal should be handled as follows:

Decision by:

Deputy Information Officer
Municipal Manager
The Executive Mayor

Appeal attended by noted:

The Municipal Manager
The Executive Mayor
The Council

- Courts

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If all the internal appeals are denied and exhausted, the requestor may approach the Courts in terms of Section 78 – 80 of the Promotion of Access to Information Act 2 of 2000.

5. Scope of the Manual

The information contained in this manual is applicable to the areas under the Municipality's jurisdiction.

6. Our philosophy on access to information that we hold

John Taolo Gaetsewe District Municipality is in support of the Act.

7. Administration of the Act

Our Information Officer, Dr SA Sebusho is duly authorized to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner on behalf of the John Taolo Gaetsewe District Municipality.

Accordingly, all requests for access to records should be addressed to the Information officer or the two persons designated as deputy information officers.

Contact person: Dr SA Sebusho
Postal address: P O Box 1480, Kuruman
Physical address: 4 Federale Mynbou Street, Kuruman
Phone number: 053-712 8700
Fax number: 053-712 2502
e-mail address: info@taologaetsewe.gov.za

Or

Contact person: Mr G A van der Westhuizen
Postal address: P O Box 1480, Kuruman
Physical address: 4 Federale Mynbou Street, Kuruman
Phone number: 053-712 8700
Fax number: 053-712 2502
e-mail address: info@taologaetsewe.gov.za

Or

Contact person: Mr L.C Modise
Postal address: P O Box 1480, Kuruman
Physical address: 4 Federale Mynbou Street, Kuruman
Phone number: 053-712 8700
Fax number: 053-712 2502
e-mail address: info@taologaetsewe.gov.za

8. Subjects and corresponding categories of records we hold

Our records can be found in various forms including electronic or paper. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

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To facilitate the easy identification of the records that we hold, we have categorized our records per subject area. The table below provides an indication of the subjects of information that we hold and the corresponding categories:

<i>Subjects</i>	<i>Categories</i>
Finance	Audited Financial Statements
	Tax records (employees)
	Asset register
	General correspondence
	Management Accounts
	Budgets & Tariffs
	Information relating to financial transactions
	Purchase & order information
	Valuation rolls
	Banking records
	Contracts
	Consumer Agreements
	Investment register
Administration	Minutes of Council & Committee Meetings
	Integrated Development Plan
	General Correspondence
	Local Economic Development Plans
	Performance Management Systems
	Policies
	Tender register
	Tourism development plan
	Cemetery register
	Files register
Human Resources	Employee records
	Employments Contracts
	Personnel guidelines, policies & procedures
	Employee Medical records
	Training records
	Employment Equity records
	Pension records
	Employment benefits records
	Labor relation records
	Statutory records
	Job descriptions
	Skills development plan
Information technology	IT policies & procedures
	User manuals
	Asset register IT related equipment
Logistics	Information relating to stock levels
	Information relating to delivery schedules & plans
	Stock replenishment information
	Stock register

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	Workshop information
	Fleet register
Housing	Housing agreements
	Waiting lists
	Criteria for allocation
	Stand numbers
	Application forms
Town Planning	Amendment schemes
	Town planning schemes
	Minutes of hearings
	Advertising register
	Rezoning and subdivision Register
	Consent use
	Building plans
Disaster Management	Farms register
	Radio call frequency
	Disaster plan
	Voluntary list
	Flammable liquid register
Environmental Management	Food and water samples
	Register of food premises
	Environmental Management Plan
	Waste Management Plan

9. Records that can be accessed without a formal request

Certain records can be accessed without the submission of a formal request (refer to Section 10 of this document for particulars regarding formal requests), including:

- Debtors' account
- Town Planning Scheme
- Brochures
- Newsletters

These records can be accessed in the following manner:

E-mail,
Fax, or
Letter.

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

- National Archives And Record Service of South Africa Act, No 43 of 1996;
- The Occupational Health and Safety Act No. 85 of 1993;
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;

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- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Medical Schemes Act No. 131 of 1998;
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- The National Health Act No. 61 of 2003;
- Northern Cape Development and Planning Act 7 of 1998;
- South African Revenue Services Act, 34 of 1997;
- Environmental Conservation Act 107 of 1998;
- Division of Revenue Act, No 1 of 2005;
- Statistics Act, No 6 of 1999;
- Regional Services Council Act, No 109 of 1985;
- Local Government: Municipal Demarcation Act, No 27 of 1998;
- Local Government: Municipal Structures Act, No 117 of 1998;
- Local Government: Municipal Systems Act, No 32 of 2000;
- National Water Act, No 36 of 1998;
- Electricity Act, No 41 of 1987;
- The Constitution of the Republic of South Africa No 108 of 1996;
- Local Government: Municipal Finance Management Act, No 56 of 2003.

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

10. Procedure to follow when submitting a formal request of access to a record

A request for access to a record that does not fall within the categories identified in Section 9 of this manual must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form A of Annexure B as identified in Government Notice Number 187 of 15 February 2002, Regulation 6. A request form is also available from our offices. The prescribed *request fee* should be attached (refer to Section 12 of this manual for more details on the fees).

If a requestor that seeks access to a record requires assistance in completing the prescribed access form, such assistance will be provided by a duly authorized and designated official, free of charge.

Our Information Officer will respond to a request for access as submitted in the required format within *30 days* of receiving the request by indicating whether your request for access has been granted.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an internal appeal or application with the court against the access fee to be paid or the form of the access, including guidance on the procedure and period for lodging the application or internal appeal.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that the requestor may lodge an internal appeal or application with the court against the refusal of the request and the procedure, including the period, for lodging the internal appeal or court application. For details on the procedure, please refer to Chapter 1 and 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as the applicable request fee has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 2 of the Act.

11. Denial of access

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

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

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

- If the record consists of information that was supplied in confidence by a third person and disclosure could reasonably be expected to prejudice the future supply of similar information, or information from the same source and it is in the public interest that similar information, or information from the same source, should continue to be supplied;
- If disclosure would prejudice or impair the security of a building, structure or system or means of transport or any other property;
- If the record contains methods, techniques, guideline or procedures for the prevention detection, curtailment or investigation of a contravention or possible contravention of a law or the prosecution of alleged offenders;
- If the disclosure could jeopardize the economic interests or financial welfare of the Republic or the ability of Government to manage the economic affairs of the Republic;
- If the record contains financial, commercial, scientific or technical information that may harm the commercial or financial interests of the public body;

- Disclosure would reasonably expect that it would put a public body at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- If the record is a computer programme;
- If the records contains an opinion, advice, report or recommendation obtained or prepared, an account of a consultation, discussion or deliberation that has occurred (including minutes of meetings) for the purpose or formulating a decision or making a policy or disclosure would frustrate the deliberative process;
- Disclosure could jeopardize the effectiveness of testing, examining or auditing procedures or methods used by the body;
- The record contains evaluative material and disclosure would breach an implied promise made to the person who gave it regarding his or her identity or the content of the material;
- The record contains preliminary, working or draft material;
- If the request is manifestly frivolous or vexatious or the work required to process the request would unreasonably divert the resources of the public body.

Access **cannot be refused** in the following circumstances:

- If the information is already publicly available;
- If the record is older than 20 years;
- About a third party who has consented to the disclosure;
- About product or environmental testing that would reveal serious public safety or environmental risk; or
- If the records contemplated in sections 34(1), 36(1), 37 (1) (a) or (b), 38(a) or (b), 40, 41 (1)(a) or (b), 42(1) or (3), 43(1) or (2), 44(1) or (2) or 45 of the Act would reveal evidence of a substantial contravention or failure to comply with the law, an eminent and serious public safety or environmental risk and disclosure would outweigh the harms contemplated in each section, if disclosed.

12. Fees

The applicable fees are prescribed in terms of the regulations that relate to the Promotion of Access to Information Act. There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 35.00 exclusive of VAT) is payable on submission of the request for access to a record (unless the request is for personal records of the requestor in which event there is no applicable fee). The access fee is payable prior to gaining access to the records in the required form. The applicable fees are prescribed in terms of Part II of Annexure A as identified in Government Notice Number 187 of 15 February 2002, regulation 11.

13. Request for access to information about third parties

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event that the third party agrees to access to the record, access will be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.

14. Records that cannot be found or that do not exist

If we searched for a record and believe that it either does not exist or cannot be found, we will notify you by way of an affidavit or affirmation that it is not possible to give you access to the requested

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record as we are unable to locate it. We will also provide you with details on the steps that were taken to try to locate the record.

If at a later stage the record is located, we will grant you access, provided that access is not prohibited in terms of Chapter 4 of Part 2 of the Promotion of Access to Information Act.