



EHLANZENI
DISTRICT MUNICIPALITY

INFORMATION MANUAL IN TERMS
OF SECTION 14 OF PROMOTION
OF ACCESS TO INFORMATION
ACT, 2000
(ACT NO. 2 OF 2000)
&
THE PROTECTION OF PERSONAL
INFORMATION ACT 2013

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1. INTRODUCTION

1.1 PURPOSE OF THE INFORMATION MANUAL

Ehlanzeni District Municipality ("**the Municipality**") recognizes and respects the right of access to information as enshrined in Section 32 and section of the Constitution of the Republic of South Africa, 1996.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereafter referred to as "**the Act**" or **PALA**) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such a request.

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

- i) The reasonable protection of privacy;
- ii) Commercial confidentiality; and
- iii) Effective, efficient, and good governance.

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

Noting the nature of the work of public entities, accountability and transparency is an essential requirement for sustaining democracy. This manual is therefore a critical tool to enrenching a culture of participatory democracy, informed public scrutiny, and voluntary dissemination of information by public entities.

The Protection of Personal Information Act, no 4 of 2014 ("**POPI Act**") seeks to give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party either the public or private bodies, as contained in section 14 of the Bill of Rights.

The **POPI Act** set some conditions for responsible parties to lawfully process the personal information of data subjects (both natural and juristic person). The **POPI Act** does not stop a person from processing and does not require a person to get consent from data subjects to process their personal information, however decides why and how to process personal information.

The purpose of this Manual is therefore to inform the public on how to obtain access to records held by Ehlanzeni District Municipality, and thereby giving effect to Section 14 of the Act, and certain types of information relating to the processing of personal information which are set out in the **POPI Act**. The manual further provides information on the details of the Information and Deputy Information Officer and stipulates both the request and appeal procedures in terms of **PALA**.

The **PALA** and the **POPI Act** are Collectively referred to in this document as the "**Acts**"

1.2 EHLANZENI: VISION, MISSION, VALUES AND MANDATE

Vision

The best performing district municipality of the 21st Century

Mission

Ehlanzeni District Municipality strives to excel in planning, coordination, and support for our Local Municipalities in consultation with all stakeholders to ensure the best standard of living for all.

Values

Ehlanzeni is guided by the following values in conducting its business:

- i) Transparency
- ii) High-quality service delivery
- iii) Accountability
- iv) Service communities with integrity
- v) Efficiency
- vi) Professionalism

Constitutional mandate

The Municipality's mandate is derived from sections 155, 156 and 162 as well as Part B of Schedule 4 and Part B of Schedule 5 of the Constitution of the Republic of South Africa, 1996. Hereinafter referred to as the Constitution. Ehlanzeni District Municipality is a Category C municipality with an area of 14 111,61km and its area of jurisdiction is made up of four (4) Category B local municipalities namely:

- i) Thaba Ceu Local Municipality
- ii) City of Mbombela Local Municipality
- iii) Nkomazi Local Municipality
- iv) Bushbuckridge Local Municipality

2. STRUCTURE AND FUNCTIONS OF EHLANZENI DISTRICT MUNICIPALITY

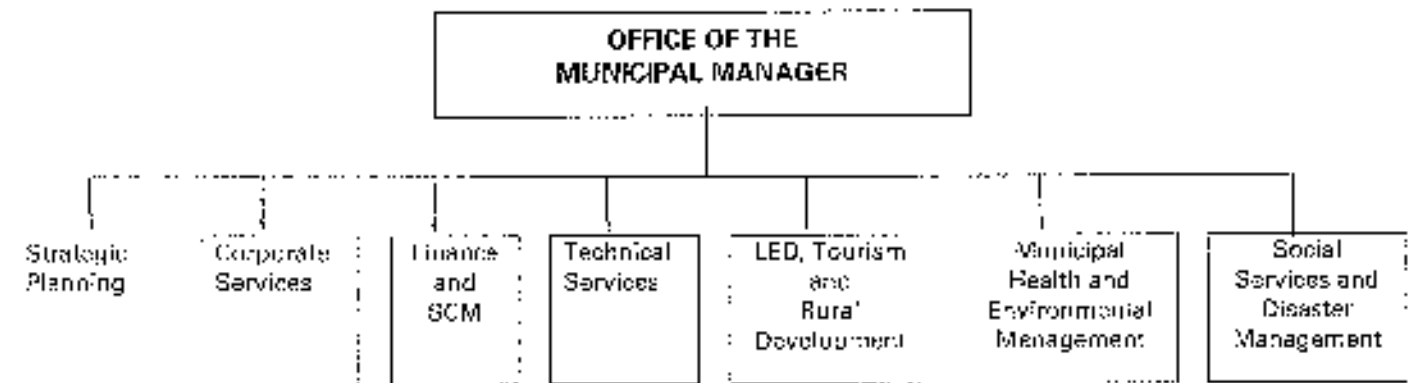
2.1 Organizational Structure

Ehlanzeni District Municipality has a fully effective Council, that serves as the ultimate political decision-making body of the Municipality. The Executive Mayor of Ehlanzeni District Municipality takes overall strategic and political responsibility, whilst the Municipal Manager heads the Municipality's administration and is responsible for the implementation of all Policies and the Integrated Development Plan (IDP).

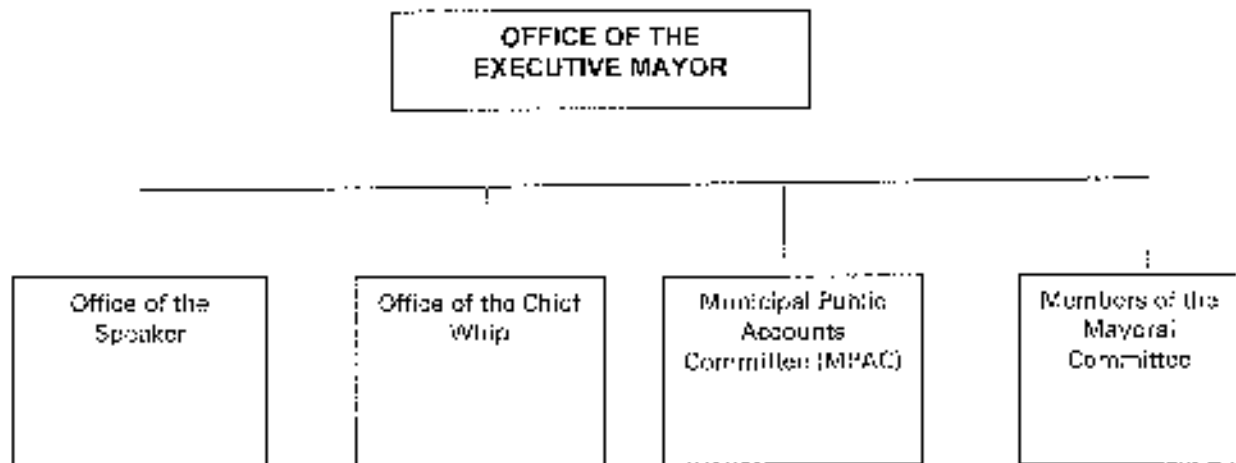
The Executive Mayor of the Municipality is Councillor Jesta Sidell and the Accounting Officer and Municipal Manager is Mr. France Sgananda Sibozo. The Municipality consists of Seven (7) administrative departments, each being headed by a General Manager, with the exception of the Office of the Municipal Manager that is headed by the Municipal Manager.

EHLANZENI: DEPARTMENTS AND FUNCTIONS

ADMINISTRATION: MANAGEMENT STRUCTURE



STRUCTURE OF COUNCIL



2.1.1 OFFICE OF THE MUNICIPAL MANAGER

The following Units falls under the Office of the Municipal Manager:

- (i) **Risk Management** – responsible amongst other things for identifying risks, assessing the risk, forecasting future frequency and severity of losses, mitigating risks, and finding risk mitigation solutions.
- (ii) **Internal Audit** - responsibilities include the provision of Internal Audit services to the Municipality, as well as the coordination of the implementation of the Internal Audit service as a shared service within the District. The section also facilitates the external audit services required by the Municipality.
- (iii) **Public Office Bearers** - provides support to political office bearers in the municipality, which includes the Office of the Executive Mayor, Office of the Speaker, Office of Chief Whip, and the Office of the Municipal Public Accounts Committee (MPAC).

2.1.2 CORPORATE SERVICES

This department comprises of the following units:

- (i) **Administration and policy formulation** - This unit is responsible for:
 - a. Council Administration
 - b. Facility Management;
 - c. Telephone and Cell phones contract management;
 - d. Records Management;
 - e. Resource and Knowledge Centre
- (ii) **Communications and Marketing** - This unit is responsible for the municipality's communication functions in the district. The Communications Unit is primarily accountable for the communication between the municipality and the people of Ehtlanzeni and beyond, mainly through the media and other communication avenues used by the municipality.
- (iii) **Human Resource Management** - This unit is responsible for all facets of human capital i.e.
 - a. Human Resources Management;
 - b. Human Resource Administration;
 - c. Labour Relations;
 - d. Policy Development and Implementation;
 - e. Organizational Development and Work-study
 - f. Skills Development;
 - g. Employment Equity and;
 - h. Employee Wellness Programme.
 - i. Occupational Health and Safety
- (iv) **Individual Performance Management (IPM)** - This unit enables the municipality to plan, monitor, measure and improve individual performance through quarterly assessments.
- (v) **Legal Services** - responsibilities include the coordination of legal research towards ensuring legal compliance, contract management, litigation, and associated advisory services.
- (vi) **Intergovernmental Relations (IGR)** - this unit also serves as the vehicle for the realization of intergovernmental and cooperative governance structures and events

2.1.3 FINANCE AND SUPPLY CHAIN

This department comprises of the following units, responsible for the following:

- (i) **Supply Chain Management** - Supply Chain Management is responsible for the procurement of all goods and services of the municipality in a transparent, effective and efficient way. This unit also deals with the management of assets for the Municipality in a transparent and efficient way. This unit also deals with the management of Municipal assets.
- (ii) **Budget** - The budget office is responsible for the drafting and tabling of the budget of the council in conjunction with all departments, completing all statutory reports on the budget, assisting all departments on budgetary issues, and ensuring that all budgetary legislation and policies are adhered to.

- (iii) **Treasury** - Treasury is responsible for ensuring the prudent and sound management of the public money to ensure that adequate financial resources are maintained to meet the municipality's long and short term (payment of creditors, contractors, salaries, etc.) financial needs as contained in the adopted and approved IDP of Ehlanzeni District Municipality.
- (iv) **Information Technology** - Ensures the efficient implementation of information management systems, implementation and maintenance of application systems, implementation of Enterprise Resource Planning hardware and software maintenance, information systems security and general coordination of management of ICT systems.

2.1.4 LOCAL ECONOMIC DEVELOPMENT, TOURISM AND RURAL DEVELOPMENT

LED and Tourism - is responsible for facilitation and coordination of activities and programmes that would yield shared economic growth and the extensive marketing of the District.

Rural Development - to assist communities to change the economic landscape of their localities through optimal use and management of natural resources

2.1.5. TECHNICAL SERVICES

The Technical Services Department has competent, professional and knowledgeable team members, who are committed to providing the community with a range of basic services such as:

- (i) Planning and Development
- (ii) Water and Sanitation
- (iii) Roads and Transport
- (iv) Building, Health and Safety
- (v) Civil Services

The Department also renders technical and financial support services to local municipalities falling within the jurisdiction of Ehlanzeni and has developed project management systems that assist municipalities to manage their capital projects.

2.1.6. SOCIAL SERVICES AND DISASTER MANAGEMENT

Transversal Programmes – The office heads up advocacy and lobbying for the development and mainstreaming of issues affecting the vulnerable groups of people, such as senior citizens, people with disabilities, children/youth and women.

HIV/AIDS and TB – The Office conducts aggressive lobbying for the support, assistance and development of people living with and/or affected by HIV and/or TB, as well as children who are either directly or indirectly affected by the epidemic as a result of their very vulnerable status or through being orphaned by the disease.

Disaster Management unit is responsible for the coordination of the prevention and mitigation of disaster effects and the management of disasters when they occur.

2.1.7. MUNICIPAL HEALTH AND ENVIRONMENTAL MANAGEMENT

Municipal Health has the following core functions:

- (i) Water quality monitoring
- (ii) Food control
- (iii) Waste Management
- (iv) Health Surveillance of Premises
- (v) Surveillance and Prevention of Communicable Diseases
- (vi) Vector Control
- (vii) Environmental Pollution Control
- (viii) Events
- (ix) Disposal of the Dead and Chemical Safety
- (x) Laboratory Services

2.1.8 STRATEGIC PLANNING –

This department comprises the following units:

- i. **Geographical Information Systems** - provides Municipal departments with a framework for information sharing, collaboration and cross-departmental analysis to ensure they are informed about the demographics, resources, and infrastructure of their geographic area in order for the municipality to strategically manage and direct its resources to communities and be accountable to its citizen. GIS enhances decision-making in the municipality.
- ii. **Organizational Performance Management** - responsibilities include the implementation of the Municipality's Performance Management system as aligned to the Integrated Development Plan (IDP), and monitoring and report on the progress and implementation thereof.
- iii. **Strategic Planning** – Plans and makes provision for the social and economic development of the entire area within the municipality. It further provides the overall framework for land use management, infrastructure development, and protection of the environment, research unit.
- iv. **Development Planning** - this unit is responsible amongst other things, for the coordination, administration, and facilitation of practices and policies affecting spatial development and land use management.

2.2 GENERAL CONTACT DETAILS OF THE MUNICIPALITY

Physical address	:	No 8 Van Niekerk Street MBOMBELA 1200
Postal	:	PO Box 3333 MBOMBELA 1201
Email	:	council@emhlanzeni.gov.za
Telephone Number	:	013 759 8500
Fax Number	:	013 759 8539
Website	:	www.emhlanzeni.gov.za

3. INFORMATION OFFICERS

The Municipal Manager is in terms of section 1 of the Act the Information Officer of the municipality

The contact details of the Information Officer and the Deputy Information Officer designated in terms of Section 17 of the Act are as follows:

Information Officer	:	Municipal Manager Mr. France Sgananda Sibusa P.O. Box 3333 MBOMBELA 1200 Tel No.: (013) 759 8500 Facsimile No: (013) 759 8570
Deputy Information Officer	:	Mr. Roy Malwalwa General Manager: Corporate Services P.O. Box 3333 MBOMBELA 1200 Tel No.: (013) 759 8547 Facsimile No (013) 759 853 Email: rmalwalwa@ebhlaazeni.gov.za

4. **THE GUIDE ON HOW TO USE THE ACT**

The Guide on how to use the Act is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission

PAIA Unit
 Research and Documentation Department
 Private Bag 2700
 Houghton
 2041
 Telephone: (011) 484 8300
 Fax: (011) 484 1360
 Website: www.sahrc.org.za

5. **RECORDS HELD BY THE MUNICIPALITY**

The Municipality holds the following records which could be requested in terms of the Act are as follows:

- 5.1. Municipal Strategic Plans, Implementation Plans
- 5.2. Municipal financial records;
- 5.4. Municipal personnel records; Records of interviews for vacancies. Records of procedures relating to grievances and discipline;

- 5.5. Municipal reports relating to summits and workshops,
 5.6. Policies (selected) 5.7. Media statements;
 5.10. Records relating to contractual documents signed with various service providers.
 5.11. Minutes of meetings for Council.
 5.12. Procurement records; Bid documents (Specifications, proposals, and adjudication)
 5.13. Correspondence on specific matters pertaining to the Municipality.

6. RECORDS AUTOMATICALLY AVAILABLE

CATEGORY	DESCRIPTION
Agreements	<ul style="list-style-type: none"> • Performance Management Agreements for Municipal Manager and managers Accountable to the Municipal Manager
Municipal Strategic Plans	<ul style="list-style-type: none"> • IDP • SIDBP • Policies
Reports	<ul style="list-style-type: none"> • Annual Report of the Municipality • Mid Term Reports • Quarterly Reports
Publications published by council	<ul style="list-style-type: none"> • Advertising brochures • Newsletters
Cartographical material	<ul style="list-style-type: none"> • Detailed plans of Municipal buildings and plans • Pipe and sewer line maps • GIS maps
Photographs	<ul style="list-style-type: none"> • Events and Functions • Photographs of Council, Administration and Officials • Aerial Photographs

- 6.1 The access to information legislation provides for records that are automatically available at Rthlanzeni District Municipality to be included in this manual and to be made available to requesters.

Automatically available records usually do not have information that is sensitive in nature or records that have the ability to place the institution in detriment if released. These records have been specified in the table above.

- 6.2 Categories of Records Not Automatically Available The records listed as restricted in the table below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.

CATEGORY	DESCRIPTION
HUMAN RESOURCE	<ul style="list-style-type: none"> • Bursary Applications and agreements • Training applications • Allowances • Staff CV's • Disciplinary records • Personnel Information • Applications for Advertised Positions.
FINANCIAL ITEMS	<ul style="list-style-type: none"> • Loan Register • Stock Register • Main Cash Book • Subsidiary cash register • Main ledger • Subsidiary ledger • Main journal • Budget • Financial statement • Cheque counterfoils • Receipt books • Bank reconciliation statements
AGREEMENTS	<ul style="list-style-type: none"> • All forms of Municipal Agreements
MISCELLANEOUS	<ul style="list-style-type: none"> • Municipal Title Deeds • Servitudes • Permits • Tender Documents • Business Plans • Company Profiles

7. REQUEST PROCEDURE

7.1 Process

Any person who wishes to obtain access to information held by the Municipality may access such information by completing an application form as prescribed in the Government Notice No. R187 of 15 February 2000.

The requester must complete the prescribed form enclosed herewith and submit it as well as payment of a request fee, to the Information Officer at the postal or physical address, fax number, or email as stated above.

The prescribed form must be filled in with enough detailed information to at least enable the Information Officer to identify the record or records requested, the identity of the requester, which form of access is required and the postal address, email or fax number of the requester.

If the requester is unable to read or write, the request for the record can be made orally by the requester. The Information Officer must then fill in the form on behalf of such a request and give him or her a copy.

After lodging the request with the Information Officer, the application will be processed within 30 days.

If a requester requests information in a particular form (e.g. a paper copy, electronic copy, etc) then the requester should receive access in that form unless doing so would interfere unreasonably with the running of a public body concerned or damage to the record or infringe on the copyright not owned by the state.

If a requester requests information on behalf of somebody else, the capacity in which the request is being made must be indicated.

If the Information Officer decides to grant a request for access to a record, but that record is to be published within 90 days after the receipt or transfer of such record, or it is required by law to be published but is yet to be published or has been prepared for submission to Council or a particular person but is yet to be submitted, the Information Officer may defer giving access to the record for a reasonable period.

The successful completion and submission of an access request form do not automatically allow the requester access to the requested record. An application for access to a record is subject to limitations if the requested record falls within a certain category as specified within parts 5 and 6 of the manual.

If it is reasonably suspected that the requester has obtained access to record through the submission of materially false or misleading information, legal proceedings may be instituted such requester

7.2 Fees payable for a request

The Act provides for two types of fees:

- (a) A request fee, which will be a standard fee; and
- (b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs/ courier.

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

- (i) The information officer must notify the requester by notice, requiring the requester to pay the prescribed request fee and deposit (if any) before further processing the request.
- (ii) The requester may lodge an internal appeal, where appropriate, or an application to the Court against the tender or payment of a fee.
- (iii) After the Information Officer has made a decision on the request the requester must be notified of such a decision in a way in which the requester wanted to be notified.
- (iv) If the request for disclosure is granted then a further access fee must be paid for the reproduction and for the search and preparation for any time required in excess of the stipulated hours to search and prepare the record.
- (v) Access to a record will be withheld until all the applicable fees have been paid.

Any member of the public may gain access to the services and records of the Municipality by contacting the Municipality at addresses, telephone numbers and contact personnel are as stated in clause 3 above.

7.2 Grounds for refusal of access records

The main grounds for refusal for information are:

- (i) Mandatory protection of the privacy of a third party which is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- (ii) Mandatory protection of confidential information of third parties if it protected in terms of any agreement.
- (iii) Mandatory protection of records that could be regarded as privileged in legal proceedings

8. ARRANGEMENTS ALLOWING INVOLVEMENT IN THE FORMULATION OF POLICY AND PERFORMANCE OF FUNCTIONS

The Municipality maintains a high level of public engagement and interaction with stakeholders through inviting comments on proposed legislation and notices published in the Provincial Gazette, Media, and Workshops.

9. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

9.1 Refusal of request

The main grounds for the Municipality to refuse a request for information relates to the:

- (1) Mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
- (2) Mandatory protection of commercial information of a third party, if the record contains:
 - (i) Trade secrets of that third party;
 - (ii) Financial, commercial, specific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - (iii) Information disclosed in confidence by a third party to the Municipality, if the disclosure could put the third party at the Municipality at a disadvantage in negotiations or commercial competition.
- (3) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (4) Mandatory protection of the safety of individuals and the protection of property;
- (5) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- (6) Operations of Municipality;

- (7) The commercial activities of the Municipality, which may include:
 - (i) Trade secrets of the Municipality;
 - (ii) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Municipality;
 - (iii) Information which, if disclosed could put the Municipality at a disadvantage in negotiations or commercial competition;
 - (iv) A computer programme which is owned by the Municipality, and which is protected by copyright;
- (8) Research information of the Municipality or a third party, if its disclosure would disclose the identity of the Municipality, the researcher or the subject matter of the research would place the research at a serious disadvantage.
- (9) Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9.2 Appeal

- (1) A requester may lodge an internal appeal against a decision of the Information Officer of the Municipality
 - (a) to refuse a request for access; or
 - (b) taken in terms of section 22, 26(1), or 29(5), in relation to that requester, with the relevant authority.
- (2) A third party may lodge an internal appeal against a decision of the Information Officer of the Municipality to grant a request for access.

9.3 Manner of appeal and appeal fees

An internal appeal must be lodged in the prescribed form:

- (i) Within 60 days;
- (ii) If notice to a third party is required, within 30 days notice is given to the appellant of the decision appealed against;
- (iii) It must be delivered or sent to the Information Officer of the Municipality at his or her addresses, or fax number/ email.
- (iv) It must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant,
- (v) If, in addition to a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
- (vi) If applicable, must be accompanied by the prescribed appeal fee, and must specify a postal address, fax number or email.

If an appeal is lodged after the expiry of the period referred to, the Executive Mayor must, upon good cause shown, allow the late lodging of the appeal.

If the Executive Mayor disallows the late lodging of the appeal, he or she must give notice of that decision to the person who lodged the appeal.

A requester lodging an appeal against the refusal of his or her request for access must pay the prescribed appeal fee (if any)

If the prescribed appeal fee is payable in respect of an appeal, the decision on the appeal may be deferred until the fee is paid.

As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Information Officer of the Municipality must submit to the Executive Mayor:

1. The appeal together with his or her reasons for the decision concerned; and;
2. If the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

10. THE PROTECTION OF PERSONAL INFORMATION ACT

10.1 Important definitions in terms of POPIA:

- (a) Data subject- a person to whom the personal information relates;
- (b) Responsible party- a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information. In this regard, the responsible party relates to the Municipality.

10.2 Chapter 3 of Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA) provides 8 minimum conditions for the lawful processing of personal information by a responsible party, namely,

- (1) Accountability,
- (2) Processing limitation,
- (3) Purpose specification
- (4) Further for processing limitation,
- (5) Information quality,
- (6) Openness,
- (7) Security safeguard,
- (8) Data subject participation.

The afore-mentioned conditions may not be deviated from unless specific exclusions outlined in POPIA apply, based on unique circumstances.

10.3 To carry out its constitutional and organizational functions, the Municipality requires personal information relating to both juristic and natural persons. The Municipality determines which information is processed and the manner in which such information is processed.

10.4 The Municipality, as the Responsible Party herein, shall ensure that the personal information of a Data Subject is processed in a manner that is lawful, fair, and transparent.

- 10.5 Any personal information processed by the Municipality must be processed only for the purpose for which it was collected and the Municipality must have a legal basis for such processing. Personal information will not be processed for secondary purposes unless it is incidental to the original purpose unless it is incidental to the main purpose.
- 10.6 The Municipality will only collect personal information which is relevant to the purpose for which it was collected and such information will not be kept for longer than required.
- 10.7 Confidentiality is of utmost importance when processing personal information, hence, the Municipality has security measures in place to ensure that personal information is protected against unauthorized access, loss, destruction or damage.
- 10.8 **In terms of section 5 of POPIA, the Data Subject has the following rights:**

10.8.1 The right to be notified that his, her or its personal information is being collected in accordance with section 18 of POPIA or has been accessed by an unauthorized person as provided for in terms of section 22 of POPIA;

- (i) The right to request for his, her or its personal information to be corrected, destroyed or deleted in terms of section 24;
- (ii) The right to reasonably object to the processing of his, her or its personal information in terms of section 11(1)(a);
- (iii) The right to submit a complaint to the Regulator regarding any alleged interference with the protection of his, her or its personal information in terms section 74.

10.9 Purpose of Processing

The Municipality only collects personal information for a specific, explicitly defined and lawful purpose, for activities related to the functions of the Municipality, which include, but not limited to:

- (a) Recruitment;
- (b) Procurement;
- (c) Survey;
- (d) Provision of services;
- (e) Financial disclosure;
- (f) Security vetting;
- (g) Support to local municipalities;
- (h) Support to Traditional Councils.

10.10 Categories of data subjects

The Municipality processes information relating to, but not limited to the under-mentioned categories of data subjects:

- (a) Employees (may include family members);
- (b) Prospective employees;
- (c) Former employees;
- (d) Service Providers/suppliers;
- (e) Bidders;

- (f) Stakeholders, such as Traditional Leaders, Municipal senior management;
- (g) Traditional Councils;
- (h) Clients/members of the public.

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Promote2

10.11 Categories of Information

The Municipality processes information relating to, but not limited to the under-mentioned categories:

In respect of natural persons-

- (a) Names, identity numbers;
- (b) Residential addresses;
- (c) Contact details;
- (d) Qualifications;
- (e) Criminal records;
- (f) Banking details;
- (g) Financial planning information;
- (h) Financial obligations;
- (i) Medical records;
- (j) Remuneration;
- (k) Performance records;
- (l) Religion;
- (m) Citizenship;
- (n) Assets of employees/Service Providers;
- (o) Contractual agreements (other remunerative work).

In respect to juristic persons-

- (a) Company name;
- (b) Registration details;
- (c) Banking details;
- (d) Financial details;
- (e) Tax details;
- (f) Contractual agreements (current or former clients).

10.12 Recipients of information

The Municipality may share personal information with, but not limited to the under-mentioned recipients, depending on the nature of the information

- (a) Law enforcement agencies;
- (b) Its Local Municipalities
- (c) Persons submitting requests;
- (d) Members of the public;
- (e) Financial/pension fund institutions;
- (f) Auditor-General;

10.13 Transfer of personal information outside the Republic

The Municipality envisages that it may require to transfer personal information to third parties who are situated in foreign countries. Should such transfer be necessary, the Municipality shall only do so as stipulated hereunder:

- (1) The Municipality may not transfer personal information to the third party who is in another country unless-
- (a) The third-party is subject to law, binding corporate rules or law binding agreement which provide an adequate level of protection that effectively upholds principles of reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to the data subject;
 - (b) The data subject consents to the transfer;
 - (c) The transfer necessary for the performance of a contract between the Municipality and the third party;
 - (d) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Municipality and the third party;
 - (e) The transfer is for the benefit of the data subject, and -
 - (i) it is not reasonably practically possible to obtain the consent of the data subject to that transfer;
 - (ii) If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

The Municipality strives to take appropriate, reasonable technical and organizational measures to ensure the integrity and confidentiality of personal information in their possession or under their control.

11. UPDATING AND AVAILABILITY OF THE MANUAL

The Municipality undertakes to, if necessary, update this Manual, at intervals of not more than one (1) year.

Section 14 (1) of PAIA, read with Regulation No. R. 187 of 15 February 2002 prescribes that the manual of a public body must be made available in the following manner:

- A copy will be made available to the South African Human Rights Commission and at the offices of the Municipality;
- The Information manual will be accessible through the website of the Municipality on www.ehlanzeni.gov.za.

APPROVED AT MBOMBELA ON THIS 01 DAY OF July 2021


FS SIBOZA
MUNICIPAL MANAGER

ANNEXURE A**FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**
(Section 18(i) of the Promotion of Access to Information Act, 2000)

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

***Reference number_____

Request received by _____ (name and surname of information officer/deputy
information officer on (date) _____ at _____ (place)

Request fee (if any): R.....

Deposit (if any): R.....

Access fee: R.....

..... Signature of information officer/deputy Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record*(a) The particulars of the person who requests access to the record must be given below.**(b) The address and/or fax number in the Republic to which the information is to be sent, must be given.**(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number: _____

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located

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

The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....

.....

.....

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason(s) for exemption from payment of fees:

.....

.....

.....

Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the forms requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

copy of record*

inspection of record

2. If record consists of visual images -

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

view the images

copy of the images*

transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

listen to the soundtrack
(audio cassette)

transcription of soundtrack*
(written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record¹

printed copy of information
derived from the record*

copy in computer
readable form*
(stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

Postage is payable.

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

G. Notice of decision regarding request for access

<p>You will be notified 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.</p>

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

Signed at this day of..... 20.....

**SIGNATURE OF REQUESTER OR PERSON ON
WHOSE BEHALF THE REQUEST IS MADE**

ANNEXURE B

FORM B

NOTICE OF INTERNAL APPEAL

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

STATE YOUR REFERENCE
 NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

(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.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of requester

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

Full names and surname:

Identity number:

D. The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an 'X' in the appropriate box:</i>	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

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

You will be notified in writing of the decision on your internal appeal. *If you wish to be informed in another manner, please specify the manner and provide the necessary particulars in enable compliance with your request.*

State the manner: _____

Particulars of manner: _____

Signed at _____ on this _____ day of _____ 20__

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on:

.....
 (date) by (state rank, name and surname of information officer/deputy information officer)

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 DECISION SUBSTITUTED**

NEW DECISION: _____

..... **DATE**

RELEVANT AUTHORITY

**RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM
 THE RELEVANT AUTHORITY ON (date):** _____

ANNEXURE C

FEES IN RESPECT OF PUBLIC BODIES

- | | | |
|----|--|---------|
| 1. | The fee for a copy of the manual as contemplated in regulation 5(c) is for every photocopy of an A4-size page or part thereof. | R0,60 |
| 2. | The fees for reproduction referred to in regulation 7(1) are as follows: | R0,60 |
| | (a) For every photocopy of an A4-size page or part thereof | |
| | (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) memory stick/stiffy disc | R5,00 |
| | (ii) compact disc | R40,00 |
| | (c) (i) For a transcription of visual images, for an A4-size page or part thereof | R22,00 |
| | (ii) For a copy of visual images | |
| | (c) (i) For a transcription of an audio record, for an A4-size page or part thereof | R60,00 |
| | (ii) For a copy of an audio record | R12,00 |
| | | R17,00 |
| 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 to in regulation 7(3) are as follows: | |
| | (a) For every photocopy of an A4-size page or part thereof | R0,60 |
| | (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R0,40 |
| | (c) For a copy in a computer-readable form on | |
| | (i) memory stick/stiffy disc | |
| | (ii) compact disc | R5,00 |
| | (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R10,00 |
| | (ii) For a copy of visual images | R22,00 |
| | (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R60,00 |
| | (ii) For a copy of an audio record | |

- | | | |
|-----|--|--------|
| | | R12.00 |
| | (1) To search for and prepare the record for disclosure for each hour or part of hour, excluding the first hour, reasonably required for such search and preparation | R17.00 |
| | | R15.00 |
| (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 requestor | |
| | (3) The actual postage is payable when a copy of a record must be posted to a requester. | |