

//KHARA HAIS MUNICIPALITY



ACCESS TO INFORMATION MANUAL

This Manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000) ("*The Act*").

2009/2010



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It is available in the following three official languages:

- X English
- X Afrikaans
- X Xhosa

CONTACT DETAILS

The contact details of the Information Officer and Deputy Information Officer are as follows:

- X Information Officer: Mr WJB Engelbrecht
 - Tel: (054) 338 7001
 - Fax: (054) 338 7351
 - Cellular: 082 095 9225
 - Email: manager@kharahais.gov.za

- X Deputy Information Officer: Mr SS Silwer
 - Tel: (054) 338 7014
 - Fax: (054) 338 7350
 - Cellular: 083 558 4173
 - Email: admin@kharahais.gov.za

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INTRODUCTION

On 9 March 2001, new legislation was enacted called the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (herein after referred to as "*the Act*"). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information, held by a public or private body if it is required for the exercise or protection of any rights.

FOREWORD BY THE MAYOR

The enactment of the Access to Information Act of 2000 is an important way of ensuring that local communities know exactly how the Municipality operates. The Constitution clearly defines the principals of participatory democracy and the role of communities in it. You will only be able to participate fully if you are informed of what the municipality does, what our legislative, executive and administrative components do, and who to contact should you need to exercise any of your rights.

We are committed to foster a culture of transparency and accountability that gives effect to every person's right of access to information. We will do everything in our power to actively promote a society in which the people of //Khara Hais Municipality have effective access to information to enable them to fully exercise and protect all of their rights.

We want to thank everyone who assisted in compiling this manual and are confident that you will find it useful. Please use it to tell us where we can do better but, more importantly, how we can improve. We look forward to your active participation in the affairs of //Khara Hais Municipality.

CLLR G VAN STADEN
On behalf of the Council

1. OVERVIEW OF //KHARA HAIS MUNICIPALITY

1.1 ESTABLISHMENT AND AREA OF JURISDICTION

The municipality was established on 22 December 2000 in terms of Provincial Notice no 27/2000 as published in Provincial Gazette no 555. It is situated within the jurisdiction area of the Siyanda District Municipality.

1.2 FUNCTIONS

The municipality performs the following functions:

Amenities and Infrastructure

- X Electricity
- X Storm Water Management
- X Street Lighting
- X Road Maintenance
- X Waste Water and Sewerage Disposal
- X Building Construction
- X Parks, Gardens and Recreation
- X Libraries
- X Transport and Workshop
- X Swimming pools
- X Water
- X Resorts
- X Sport grounds

Environmental Health and Community Services

- X Municipal Health Services
- X Environmental and Conservation
- X Business Licences
- X Refuse Removal
- X Town Cleaning
- X Cemeteries and Crematoria

Economic Development

- X Local Tourism
- X Economic Development
- X Grading Legislation
- X Street Trading
- X Industrial Development

Finance

- X Financial Records
- X Municipal Valuation and Taxation
- X Municipal Insurance
- X Municipal Banking and Investments
- X Municipal Loans

Housing Development

- X Housing Development
- X Housing Administration

Human Resources

- X All legislation, executive and administrative functions pertaining to staff
- X Staff Training
- X Implementation of the Skills Development Act
- X Councillor Training
- X Local Labour Forum
- X Councillors Allowances

Land, Rural and Agricultural Development

- X Rural land matters
- X Agricultural matters
- X Education and Welfare in general
- X Rendering of Services in disadvantaged areas.
- X Land reform
- X Acquisition of land

Planning and Building Control

- X Formulation of the Integrated Development Plan
- X Town Planning Services
- X Building Control Services
- X Strategic Planning
- X Plan and Signage control

Safety and Security

- X Law Enforcement
- X Fire and Rescue Services
- X Community Policing
- X Crime Prevention
- X Occupational Health Safety Service
- X Disaster Management

Internal Audit

- X Internal Auditing of the Municipality

2. **POLITICAL STRUCTURE AND FUNCTIONARIES**

//KHARA HAIS MUNICIPALITY

After the demarcation of the Gariep Municipality's jurisdiction area was proclaimed in terms of Article 12 of the Local Authorities Act: Municipality Structures Act, 1998 (Act 117 of 1998), a renaming, in accordance with Notice No 27 of 2000 of the Provincial Gazette No 555, took place and the name //Khara Hais Municipality was endorsed and proclaimed by Provincial Notice 25 of 2001, dated 25 June 2001.

The Council is composed of 23 councillors of which 12 are ward councillors and 11 are proportional councillors.

The Council is classified as a category B Municipality and does have two full-time councillors namely the Mayor and Speaker. The Council functions as a Council with a Joint Executive Committee system, combined with a Ward Based system.

2.1 **THE MAYOR**

The Mayor is the political head of the municipality and is elected from among the members of the Executive Committee. A Mayor is elected for the duration of his or her term as a member of the current Executive Committee. The Mayor may not hold office for more than two consecutive terms. The Mayor performs the following functions:

- Preside at the meeting of the Executive Committee.
- Perform the duties, including any ceremonial functions, and exercises the powers delegated to him or her by the Municipal Council or the Executive Committee.
- Identify the needs of the municipality.
- Evaluate these needs in order of priority.
- Make recommendations to the Council regarding the strategies to address priority needs.
- Report on the involvement of communities and community organisations in the affairs of the municipality as well as how such involvement has affected Council decisions.

2.2 **THE EXECUTIVE COMMITTEE**

The Executive Committee is the principal committee of Council and receives all reports from the other committees of Council. The Executive Committee must reflect all parties and interests in the same proportion as reflected in Council. The Executive Committee performs the following functions:

- Identify the needs of the municipality;
- Evaluate these needs in order of priority;
- Make recommendations to the Council regarding the strategies to address priority needs;
- Must evaluate the implementation of the strategies;
- Must evaluate progress against key performance indicators;
- Review the performance of the municipality;
- Monitor the management of the municipality's administration;
- Oversee the provision of services to communities;
- Report on the involvement of communities and community organisations in the areas of the municipality as well as how such involvement has affected Council decisions.

2.3 **FUNCTIONS OF THE SPEAKER**

The Speaker of the Council performs the following functions:

- Preside at meetings of the Council;
- Performs the duties and exercises the powers delegated to the Speaker in terms of section 59 of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000);
- Ensure that the Council meets at least quarterly;
- Maintain order during meetings;
- Ensure that the Council and Council Committees comply with the Code of Conduct set out in Schedule 1 of the Local Government: Municipal Structures Act, 2000 (Act No. 32 of 2000); and
- Ensure that Council Meetings are conducted in accordance with the rules and orders of the Council.

2.4 **MUNICIPAL COUNCIL**

The legislative and executive authority of //Khara Hais Municipality is vested in the Municipal Council. The Council consists of all the elected and proportional councillors and is chaired by the Speaker. The term of the Council is five years. The Council exercises its legislative and executive authority by:

- Developing and adopting appropriate mechanisms for service delivery.
- Promoting and undertaking development.
- Establish and maintain an administration.
- Regulating its internal affairs and the local government affairs of the local community.
- Implementing its by-laws and national- and provincial legislation.
- Preparing, approving and implementing its budget.
- Imposing and recover rates, taxes, levies, user charges, and service fees.
- Establish and implement performance management systems.
- Promote a safe and healthy environment.
- Passing by-laws and taking decisions on any of the above matters.

2.5 **COMMITTEES**

The Municipal Structures Act makes provision that a Council may establish Council Committees, so-called section 79 Committees. //Khara Hais Municipality has the following section 79 Committees:

2.5.1 ***Executive Committee***

Chairperson: Cllr G van Staden
Tel: 073 153 8784
E-mail: mayor@kharahais.gov.za

2.5.2 ***Committee for Service Delivery & Infrastructure***

Chairperson: Cllr PJ Brandt
Tel: 073 171 3696
E-mail: brandtpjr@kharahais.gov.za

2.5.3 ***Committee for Local Economic Development***

Chairperson: Cllr G van Staden
Tel: 073 153 8784
E-mail: mayor@kharahais.gov.za

2.5.4 ***Committee for Transformation & Institutional Development***

Chairperson: Cllr J Assegaai
Tel: 072 686 1553
E-mail: assegaaij@kharahais.gov.za

2.5.5 **Committee for Financial Viability**

Chairperson: Cllr T Basson

Tel: 082 085 3564

E-mail: bassont@kharahais.gov.za

2.5.6 **Committee for Corporate Governance**

Chairperson: Cllr JL Snyman

Tel: 082 890 6279

E-mail: snymanjl@kharahais.gov.za

2.6 **COUNCILLORS**

//Khara Hais Municipality has 23 Councillors. The term of office for a Councillor is five years and ends when the next Council is declared elected. Councillors are accountable to local communities and must report back at least quarterly to constituencies on Council matters, including the performance of the municipality in terms of the established indicators. In order to ensure that Councillors fulfil their obligations to the communities and support the achievement of objectives of the municipality, all Councillors are subject to a Code of Conduct.

2.7 **WARD COMMITTEES**

//Khara Hais Municipality has 12 ward committees. Ward committees are established for each municipal ward to broaden community participation at local government level. A ward committee consists of the ward councillor and not more than 10 other elected persons representing various interest groups within the ward.

Ward committees may make recommendations on any matters affecting the ward to the ward councillor or to the Council or Mayor through the ward councillor. Ward committees may perform any duties which have been delegated to it by the Council.

//Khara Hais Municipality has the following ward committees:

2.7.1 Ward 1

Cllr LA Basson

Tel: 083 257 4733

E-mail: bassonla@kharahais.gov.za

2.7.2 Ward 2

Cllr BM Adams

Tel: 072 271 5088

E-mail: adamsbm@kharahais.gov.za

2.7.3 Ward 3

Cllr E Allies

Tel: 076 233 3134

E-mail: alliese@kharahais.gov.za

2.7.4 Ward 4

Cllr PJ Brandt

Tel: 073 171 3696

E-mail: brandtpj@kharahais.gov.za

2.7.5 Ward 5

Cllr K de Wee

Tel: 082 561 4658

E-mail: dewee@kharahais.gov.za

2.7.6 Ward 6

Cllr T Basson

Tel: 082 085 3564

E-mail: bassont@kharahais.gov.za

- 2.7.7 Ward 7
Cllr M Sigedi
Tel: 078 724 9596
E-mail: segessim@kharahais.gov.za
- 2.7.8 Ward 8
Cllr LFJ Brand
Tel: 072 229 7395
E-mail: brandlfj@kharahais.gov.za
- 2.7.9 Ward 9
Cllr G Visagie
Tel: 073 604 9345
E-mail: visagieg@kharahais.gov.za
- 2.7.10 Ward 10
Cllr SP May
Tel: 078 606 1569
E-mail: maysp@kharahais.gov.za
- 2.6.11 Ward 11
Cllr L A Koloï
Tel: 079 419 1774
E-mail: koloïla@kharahais.gov.za
- 2.7.12 Ward 12
Cllr E Olyn
Tel: 082 647 3184
E-mail: olyne@kharahais.gov.za

2.8 **PROPORTIONAL REPRESENTATION**

The following Councillors represent the Council on a proportional basis:

- 2.8.1 Mr JJ Combrinck (SPEAKER)
Tel: 082 689 5219
- 2.8.2 Mr J Assegaai
Tel: 072 686 1553
- 2.8.3 Mr J Esau
Tel: 073 954 7862
- 2.8.4 Mr K Makatong
Tel: 072 629 5367
- 2.8.5 Mrs M Pakade
Tel: 073 313 8400
- 2.8.6 Mrs M Plaatjies
Tel: 076 842 4813
- 2.8.7 Mr IISS Selborne
Tel: 083 510 8786
- 2.8.8 Mrs FE Snyders
Tel: 082 216 5761
- 2.8.9 Mr JL Snyman
Tel: 082 890 6279

2.8.10 Mr G van Staden (MAYOR)
Tel: 073 588 8351

2.8.11 Mr J Visagie
Tel: 073 295 8249

3. ADMINISTRATIVE STRUCTURES AND FUNCTIONARIES

3.1 MUNICIPAL MANAGER

The administrative structure, under leadership of the Municipal Manager, is responsible for the management and administration of the Municipality. The Municipal Manager is appointed in terms of the Municipal Structure Act, 1998 (Act 117 of 1998). The Municipal Manager of //Khara Hais Municipality is Mr WJB Engelbrecht. The Municipal Manager is the Head of the Administration and is also the Accounting Officer for the Municipality. The Manager is directly accountable to the Council and is responsible, among others, for the formation and development of an economical, effective, efficient and accountable administration equipped to implement the Integrated Development Plan (IDP). The Manager is also responsible for managing communication between the political structures and the administration.

3.2 DIRECTORATES OF THE MUNICIPALITY

The Municipality has the following Directorates:

3.2.1 **Office of the Municipal Manager**

Mr WJB Engelbrecht
Tel: (054) 338 7001
Fax: (054) 338 7351
E-mail: manager@kharahais.gov.za

- **Strategic Operations**

Mr V Mfusi
Tel: (054) 338 7082
Fax: (054) 338 7351
E-mail: led@kharahais.gov.za

- **Economic Development, Tourism & Resorts**

Mrs V van Wyk
Tel: (054) 338 7151
Fax: (054) 338 7350
E-mail: tourism@kharahais.gov.za

- **Internal Audit & Risk Management**

Mrs E van Kradenburgh
Tel: (054) 338 7062
Fax: (054) 338 7350
E-mail: audit@kharahais.gov.za

- **Communication & Client Services**

Mr P Williams
Tel: (054) 338 7010
Fax: (054) 338 7350
E-mail: pro@kharahais.gov.za

- **IDP & PMS**

Mr G Besselsen
Tel: (054) 338 7016
Fax: (054) 338 7350
E-mail: spespro@kharahais.gov.za

3.2.2 **Directorate of Corporate Services**

Mr A Vosloo

Tel: (054) 338 7003
 Fax: (054) 338 7350
 E-mail: corp@kharahais.gov.za

- **Subdirectorate Administration**

Mr SS Silwer

Tel: (054) 338 7014
 Fax: (054) 338 7350
 E-mail: admin@kharahais.gov.za

- **Subdirectorate Human Resources**

Mr WAD George

Tel: (054) 338 7045
 Fax: (054) 331 1857
 E-mail: hr@kharahais.gov.za

- **Information Technology**

Mr JL Marais

Tel: (054) 338 7059
 Fax: (054) 338 7333
 E-mail: it@kharahais.gov.za

- **Security Services**

Mr GH Titus

Tel: (054) 338 7141
 Fax: (054) 332 1870
 E-mail: security@kharahais.gov.za

3.2.3 **Directorate of Development Services**

Mr MG Bovu

Tel: (054) 338 7048
 Fax: (054) 331 1870
 E-mail: dev@kharahais.gov.za

- **Environmental Health Services**

Mr G Kuun

Tel: (054) 338 7503
 Fax: 086 504 2540
 E-mail: henvhealth@kharahais.gov.za

- **Traffic Services**

Mr AL Plaag

Tel: (054) 338 7420
 Fax: (054) 332 1563
 E-mail: traffic@kharahais.gov.za

- **Fire Brigade**

Mr J de Monk

Tel: (054) 338 7401
 Fax: 0860 505 5044
 E-mail: fire@kharahais.gov.za

3.2.4 **Directorate of Technical Services**

Mr HA Auret

Tel: (054) 338 7051
 Fax: (054) 338 7373
 E-mail: tech@kharahais.gov.za

- **Subdirectorato Civil Engineering**
Mr
Tel: (054) 338 7052
Fax: (054) 338 7350
E-mail: civil@kharahais.gov.za
- **Subdirectorato Electric Services**
Mr H Auret
Tel: (054) 338 7145
Fax: (054) 338 7367
E-mail: elec@kharahais.gov.za
- **Subdirectorato Town Planning and Building Control**
Mr C Geldenhuys
Tel: (054) 338 7073
Fax: (054) 338 7373
E-mail: planning@kharahais.gov.za

3.2.5 **Directorato Financial Services**

Mr J Carstens
Tel: (054) 338 7024
Fax: (054) 338 7375
E-mail: cfo@kharahais.gov.za

3.2.6 **Office of the Mayor & Speaker**

Mr R Alexander
Tel: (054) 338 7015
Fax: (054) 338 7352
E-mail: mayor@kharahais.gov.za

4. **CATEGORIES OF RECORDS**

//Khara Hais Municipality keeps record of all correspondence, Council Resolutions, building plans, town planning maps and other additional information relating to all services listed above. Records are kept under the following categories:

- **Legislation**
Policy, Rulings, Instructions and Circulars, Routine Enquiries, Acts of Parliament and Regulations, Drawing-Up and Amendments, Provincial Acts and Regulations, Council Regulations and By-laws, Ordinances
- **Organisation and Control**
Policy, Rulings, Instructions and Circulars, Cases not individually provided for, Expansion Needs and System Analysis, Providing of new Departmental Offices, Workplanning and Procedures, Delegation of Authority, Office Instructions, Record Management, Filing System, Disposal of Records, Privatising and Models
- **Council and Councillor Affairs**
Policy, Rulings, Instructions and Circulars, Council Affairs, Election of Councillors, Representation on other Bodies, Meetings, Council, Committees, Extraordinary Vacancies, Councillor Affairs
- **Personnel**
Control of posts, Departments, Determination of Conditions of Employment, Vacancies and Appointments, Permanent Appointments, Training and Qualifications, Financial, Payment of Allowances, Deductions, Loans, Insurance, Injury on Duty, Staff Control, Leave and Relief Arrangements, Uniforms, Retirement, Labour Relations, Occupational Health, Evaluation of Personnel, Personnel Records and Statistics, Personnel Related Affairs, Improvement of Personnel Relations

- **Finance**
Budget, Drawing up of Annual Budget, Valuations, Valuation Rolls, Valuation Court, Rates, Property Rates, Loans, External Loans, Short Term, Long Term, Internal Loans, Loans, Approved to External Organisations, Subsidies Received, Individual Subsidies, Deposits, Funds and Levies, Payment of Accounts, Payment of Allowances, Collection of Levies, Insurance, Cases, Details of Policies, Accountability, Financial Assistance, Losses, Bank Account, Debtors, Creditors, Tariffs
- **Domestic Supplies and Services**
Domestic Supplies, Furniture and Office Equipment, Computers and related supplies, Disposal of excess and Obsolete Equipment, Signature Authority, Domestic Services, Transport, Communication, Security, Translation Services, Computer Services
- **Buildings and Sites**
Buildings, Acquisition, Hiring of, Maintenance, Alienation, Sites
- **Tender and contracts**
Opening of Tenders, Approval of Premier, Delegated Authority, Specific Tenders and Contracts, Contracts, Smaller Work
- **Reports and Returns**
Reports, Returns, Annual Returns, Monthly and Quarterly Returns
- **Publicity and Information**
Own Publicity and Information, Media and Radio Reports, Publications, Public Relations, Emblems, Publicity by other Institutions: Control, Information: Other Institutions
- **Festival and Social Matters**
Festivals
Social Matters
- **Composition and Meetings of Councils other Bodies**
Agenda's, Minutes and Reports, National and Provincial, Councils, Institutes, Societies, Committees, Other Bodies, Regional, Councils, Institutes, Societies, Committees, Other Bodies, Local, Councils, Institutes, Societies, Committees, Other Bodies
- **Legal matters**
Legal opinions and Court decisions, Appointment of Attorneys, Claims, By the Council, Against the Council, Prosecutions, Cases, By-Laws
- **Licences and Permits**
Applications and Issues, Business Licences, Individual Business Licences, Vehicle Licences and Permits, Trade Licences, Dog Licences, Fire Arm Licences
- **Town Planning and Control**
Municipal Boundaries, Register of Consent Uses, Reservation of Sites, Government Use, Subdivision and Alienation, Hawkers, Acquisition of Land by the Municipality, Sectional Title, Guest Houses, Town Planning Schemes, Establishment of Townships, Control of Townships, Names of Townships
- **Essential Services**
Water Provision, Provision and Maintenance of Reservoirs and Purification Plants, Outside Municipal Area, Inside Municipal Area, Meters, Electricity, Meters, Statistics and Reports, Distribution, Roads and Streets, Planning and Comments on Main Routes, Construction and Maintenance, In Specific Areas, Bridges and Subways, Sewerage, Provision and Maintenance of Sewerage Farms, Construction and Maintenance of Pump Stations, Networks, Sewage, Refuse Removal Service,

Sewage Service, Grave-yards and Crematoriums, Maintenance

- **Community Services**
Health, Provision of Clinic Services and Hospitals, Examinations, Reports and Returns, Hospitals, Education, Schools/Technicians/Colleges, Traffic Control, Application for Consent, Library Service, Buildings, Books and Magazines, Obtaining, Housing, Schemes, National Housing Scheme, Municipal Housing Scheme, Civic Centre and Open Sites, Applications for Use, Parks, Islands, Traffic Circles and Pavements, Sport and Recreation, Supply and Maintenance of Sport Facilities, Swimming Pool, Sport Grounds, Fire Brigade, Pound, Welfare, Welfare Organisations, Street Collections, Museum and Monuments, Disaster Management, Airport, Abattoir, Nature Reserve, Commonage, Caravan Parks, Television

RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

- Labour Relations Act, 1995 (Act 66 of 1995)
- Occupational Health and Safety Act, 1997 (Act 85 of 1997)
- Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
- Employment Equity Act, 1998 (Act 55 of 1998)
- Income Tax Act, 1962 (Act 58 of 1962)
- Unemployment Insurance Act, 1966 (Act 30 of 1966)
- Compensation for Occupational Injuries and Disease Act, 1993 (Act 130 of 1993)
- Skills Development Levies Act, 1999 (Act 9 of 1999)
- Skills Development Act, 1998 (Act 97 of 1998)
- Housing Act, 1997 (Act 107 of 1997)
- Water Services Act, 1997 (Act 108 of 1997)
- Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)
- Local Government: Transition Act, 1993 (Act 209 of 1993)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- Remuneration of Public Office Bearers Act, 1998 (Act 20 of 1998)
- Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000)
- Promotion of Local Government Affairs Act, 1983 (Act 91 of 1983)
- Rating of State Property Act, 1984 (Act 79 of 1984)
- Regional Services Councils Act, 1985 (Act 109 of 1985)
- Electricity Act, 1997 (Act 41 of 1997)
- Draft Water Services Development Plan
- Environment Conservation Act, 1989 (Act 73 of 1989)
- Constitution of the RSA, 1996 (Act 108 of 1996)

5. GAINING ACCESS TO INFORMATION

In the event of a member of the public requiring information from //Khara Hais Municipality in terms of the Promotion of Access to Information Act, Act 2 of 2000, the following procedure should be followed:

5.1 The request must be made in writing on the prescribed form addressed to:

The Information Officer
Private Bag X6003
UPINGTON
8800

or

Faxed to:
The Information Officer
Fax: (054) 338 7350

or by

Electronic mail to
The Information Manager
E-mail: manager@kharahais.gov.za

5.2 A person who is illiterate or otherwise unable to make a request for access to a record because of a disability may make an oral request. The Information Officer or the Deputy Information Officer must assist the requester with completing the required form. The Information Officer must also assist a person who requires reasonable assistance free of charge.

The language in which the requester wishes to obtain the record must be stated by the requester. If the record is not available in the language preferred by the requester, access may be granted in the language in which the record is available.

The application should provide enough information to enable the Information Officer to:

- identify the records requested (including a description of the record, a reference number and any further particulars of the record); and
- the requester, including all contact information.

The information should also enable the Information Officer to identify the form of access required by the requester, for instance:

- Whether the requester wishes to make a copy of a written or printed record or inspect the record.
- Whether the requester wishes to view or copy visual images which may be photographs, slides, video recordings, computer generated images or sketches or obtain a transcription of the images:
- Whether the requester wishes to listen to a soundtrack or obtain a written or printed transcription of the soundtrack.
- Whether the requester wishes to obtain a printed copy of a computer or an electronic or machine readable form derived from the aforesaid.

5.3 The application form must be accompanied by the prescribed search fee obtainable from the Information Officer. A person who is seeking information about himself or herself does not have to pay the initial fee, while a requester other than a personal requester has to pay a fee for a record. All requesters, except those who are exempted in terms of section 22(8)(a) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), must pay the required fee to

obtain a record.

- 5.4 The requester will be given the required information, if available, within a reasonable time after receipt of the application form and prescribed fee.
- 5.5 The Information Officer may transfer a request where a record is not under the control or in the possession of the Municipality or where the subject matter is more closely connected with the functions of another public body or where the record contains commercial information in which another public body has a greater interest. The request will be transferred as soon as reasonably possible, but in any event within 14 days after the request is received. The Information Officer must notify the requester of the transfer as well as the reasons for the transfer and the period within in which the request must be addressed.
- 5.6 If information is no longer available or cannot be found and all reasonable steps have been taken to find such a record, the Information Officer must, by way of an affidavit of affirmation notify the requester accordingly.
- 5.7 Access may be deferred where a record is not yet available. The requester will be notified accordingly.
- 5.8 The Information Officer must decide within 30 days whether to grant the request. If access is granted, a notice must be sent to the requester stating the following:
- that the access fee, if any, must be paid upon being granted access;
 - the form in which access will be given; and
 - that the requester may lodge an internal appeal with the Municipality or an application with a court against the access fee to be paid or the form in which access is to be granted
- 5.9 If access is not granted to the record, the notice by the Information Officer or Deputy Information Officer must give adequate reasons for the refusal, excluding any reference to the contents of the record and stating that the requester may lodge an internal appeal with the Municipality or application with a court against the refusal of the request. Such notice must also contain the information on the procedures that must be followed to lodge an internal appeal or such an application.
- 5.10 The Information Officer or a Deputy Information Officer may extend the period of 30 days in which to decide on the request if:
- It is for a large number of records and compliance would unreasonably interfere with the activities of the Municipality;
 - Requires a search of collection of records in an office not situated in the same town or city as the Information Officer and cannot be reasonably expected to complete the request within the initial 30 days;
 - Consultations with other departments of the Municipality or with another public body are necessary or desirable and the Information Officer cannot be reasonably be expected to complete the consultations within the initial 30 days; or
 - The requester consents in writing to the extension.

If a period is extended, the Information Officer must within 30 days after the request is received, notify the requester of that extension and the reasons. The notice must state the period of extension as well as adequate reasons for the extensions. The notice must also state that the requester may lodge an application with a court against the extension and the procedure (including the period) for lodging the application must be contained in such notice.

6. **FURTHER CONTACT INFORMATION**

A comprehensive list of departmental office hours and contact details are attached as per Annexure A.

7. **ARRANGEMENTS AND PROVISIONS FOR PERSONS TO MAKE REPRESENTATIONS, CONSULT OR OTHERWISE TO PARTICIPATE OR TO MAKE INPUTS ON THE FORMULATION OF POLICY OR THE EXERCISING OF POWERS OR PERFORMANCE OF DUTIES BY THE MUNICIPALITY**

The Municipality will give adequate public notice of any intention to formulate by-laws and policies on any matter which may affect the public. Written input or on such proposed by-laws or regarding any other matter concerning the exercise of powers of performance of duties by the Municipality may be submitted to the Municipal Manager or the Mayor.

- Proportional Representative Councillors representing the local Municipality;
- Public Relations Office;
- Recognition of community based organisations (CBO's), which will be incorporated in planning processes such as the IDP etc;
- Budget process designed to encourage community participation;
- Community inputs to be obtained when setting performance targets (through the media);
- Public meetings when required;
- Newsletters;
- Annual report to community regarding the results achieved by the Municipality;
- Council Meetings that are open to the public;
- Participation in the IDP process;
- Liaison with Councillors;
- Policies and by-laws for input by the public; and/or
- Radio and Local Newspapers.

8. **DISCRETIONARY REFUSAL OF ACCES TO RECORDS**

The Information Officer or Deputy Information Officer has the discretion to refuse access to records where a request for access to information would involve disclosure of:

- a. information supplied in confidence by a third party, the disclosure of which could reasonably be expected to cause prejudice;
- b. information, the disclosure of which would be likely to impair the security of a building, structure or system, which may be a computer system, means of transport or any other property;
- c. information regarding methods, systems, plans or procedures for the protection of an individual in a witness protection scheme, the safety of the public or the security of property;
- d. a record containing the methods, techniques or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of law or prosecution of an alleged offender;
- e. a record on the prosecution of an alleged offender where disclosure of the record could reasonably be expected to impede the prosecution or result in a miscarriage of justice;
- f. a record, the disclosure of which could reasonably be expected to:
 - prejudice the investigation of a contravention or possible contravention of the law;
 - reveal or enable a person to identify a confidential source of information related to the enforcement or administration of the law;

- result in the intimidation or coercion of a witness or a person who may be called as a witness in criminal or other proceedings to enforce the law;
 - of a contravention of the law; or
 - prejudice or impair the fairness of a trial or the impartiality of adjudication.
- g. information, the disclosure of which could cause prejudice to the defence, security of international relations of the Republic of South Africa;
- h. information, the disclosure of which is likely to materially jeopardize the economic or financial interests of the Republic of South Africa or the ability of the government to manage the economy of the Republic of South Africa effectively;
- i. information which contains trade secrets of the state or a public body or could put a public body at a disadvantage in a contractual or other relations or prejudice a public body in commercial competition;
- j. information which contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interest of the state or a public body;
- k. information which is a computer program, defined in the Copyright Act, 1978 (Act No. 98 of 1978), owned by the state or a public body;
- l. information about research being carried out or likely to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose a public body, person carrying out the research or subject matter of the research to serious disadvantage; or
- m. information about a record of a public body which contains an opinion, advice, report or recommendation obtained or prepared or an account of a constitution, discussion, deliberation or minutes of a meeting on the formulation of a policy or taking a decision in the exercise of a power or performance of a duty conferred by law if disclosure could reasonably be expected to frustrate the deliberative process or success of the policy.

9. **MANDATORY REFUSAL OF A REQUEST FOR ACCESS TO A RECORD**

The Information Officer must refuse access to a record where a request for access to information would involve unreasonable disclosure of personal information or trade secrets, that a third party (including a deceased individual) or any information, other than trade secrets, that can cause harm to the commercial or financial interest of a third party.

Access must also be refused where a request for access to information would involve the disclosure of information which is a computer program owned by a private body or where access to the record is prohibited in terms of Section 60 (14) of the Criminal Procedure Act, 1977 (Act No 51 of 1977) or where the information is privileged or where the information can endanger the life or safety of an individual or the protection of property.

The Information Officer must refuse access to a record where the information would involve the disclosure of information supplied in confidence by a third party and it can reasonably be expected to put the third party at a disadvantage in contractual or other negotiations. Where the information would be a breach of duty of a confidence owed to a third party or where the disclosure of information about research would expose the person or third party carrying out the research or the subject matter of the research or the subject matter of the research

causing serious disadvantage, access must be refused.

The Information Officer may refuse a request for access to a record if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

10. LEGAL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY

If the Information Officer fails to give a decision on a request for access within 30 days, the Information Officer is deemed to have refused the request and the requester may lodge an internal appeal with the Municipal Council. An internal appeal must be lodged on the prescribed form within 60 days in terms of section 75(1)(a)(i) of the Promotion of Information, Act 2 of 2000.

A requester may lodge an internal appeal against a refusal of a request or a decision of the Information Officer.

- with respect to the prescribed fees, or the form of access;
- the extension of period to deal with a request;
- the form of access.

A third party may lodge an internal appeal with the Municipal Council in terms of Section 72 of the Act against a decision by the Information Officer to disclose information.

A requester who has lodged an internal appeal and is not satisfied with the result may make an application for appropriate relief to a court, in terms of section 78 of the Promotion of Access to Information, Act 2000 (Act 2 of 2000), within 30 days of the decision on the internal appeal. A requester may not make an application to a court unless the requester has lodged an internal appeal.

11. MANNER OF INTERNAL APPEAL AND APPEAL FEES

An internal appeal must be lodged on the prescribed form within a period of 60 days. If a notice to a third party is required, within 30 days after notice is given to the appellant of the decision to appeal, an internal appeal must be lodged. It must be posted, faxed or sent by electronic mail to the Information Officer. The subject matter must be identified and the reasons for appeal must be stated. If in addition to a written reply, the appellant wishes to be informed of the decision of the internal appeal in any other manner, he or she must state that manner and provide the necessary particulars to be so informed. If applicable the prescribed appeal fee must accompany the form. Late appeals, upon good cause shown, can be allowed. The Information Officer must within 10 working days on receipt of an internal appeal present the appeal to the Municipal Council for consideration, for the decision concerned.

12. GENERAL INFORMATION

The Information or Deputy Information Officer may be contacted for further information not contained in this manual. The //Khara Hais Municipality will, if necessary update and publish this manual at least once a year.

Fees are prescribed in accordance with the Promotion of Access to Information Act, 2000 (Act 2 of 2000) fee's guide and that of Council's tariff manual. These are obtainable from the Information Officer.

13. COMMENCEMENT

The date of commencement of this Manual is the date of acceptance thereof by the Council.

//KHARA HAIS MUNICIPALITY**COMPREHENSIVE LIST OF OFFICES OF THE MUNICIPALITY**

OFFICES	OFFICE HOURS	CONTACT DETAILS
Main Office	07:30 – 12:30 13:30 – 16:30	Municipal Manager Tel: (054) 338 7000
Paballelo	07:30 – 12:30 13:30 – 16:30	Senior Manager Security Services Tel: (054) 338 7141
Progress	07:30 – 12:30 13:30 – 16:30	Head: Environmental Services Tel: (054) 338 7503
Eiland Holiday Resort	07:30 – 12:30 13:30 – 19:00	Manager: Resorts Tel: (054) 338 7123
Kalksloot	07:30 – 12:30 13:30 – 16:30	(054) 338 7159
Karos	07:30 – 12:30 13:30 – 16:30	
Leerkrans	07:30 – 12:30 13:30 – 16:30	(054) 751 0092
Louisvale Road	07:30 – 12:30 13:30 – 16:30	
Raaswater	07:30 – 12:30 13:30 – 16:30	(054) 335 1930

//KHARA HAIS MUNICIPALITY**REQUEST FOR ACCESS TO RECORDS OF PUBLIC BODY**

Section 18 (1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL/OFFICIAL USE ONLY

Reference number: _____

Request received by _____
(state rank, name and surname of Information Officer/Deputy Information Officer) on
_____ (date) at _____ (place).

Request fee: R _____

Deposit: R _____

Access fee: R _____

SIGNATURE OF INFORMATION

OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:
//Khara Hais Municipality
Private Bag X6003
UPINGTON
8800

or

//Khara Hais Municipality
C/o Mutual- and Scott Street
UPINGTON
8801

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 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 for exemption from payment of fees:

F. 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:

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 form 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.					
Mark the appropriate box with an X					
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 cassettes)			Transcription of soundtrack* (written or printed document)		
If record is held on computer or in an electronic or machine-readable form:					
Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)	
* If you requested a copy of transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	
				NO	
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

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.

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/PERSON
ON WHOSE BEHALF REQUEST IS MADE

B. 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 of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision 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

C. 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:

D. 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 to enable compliance with your request.

State the manner _____ :

Particulars of manner:

SIGNED _____ AT THIS ____ DAY OF _____ 20

SIGNATURE OF APPELLANT

FEES PAYABLE**PART I****FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0.60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0.60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(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
(d) For a copy in a computer-readable form on - (i) stiffer disc (ii) compact disc	5.00 40.00
(e) (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	22.00 60.00
(f) (i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	12.00 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 to in regulation 7(3) are as follows:

	R
(1)(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
(b) For a copy in a computer-readable form on - (i) stiffer disc (ii) compact disc	5.00 40.00
(c) (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	22.00 60.00
(d) (i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	12.00 17.00
(f) To search and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(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.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
(c) For a copy in a computer readable form on -	
(i) stiffy disc	7.50
(ii) compact disc	70.00
(b) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(ii) For a copy of visual images	60.00
(c) (i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
(ii) For a copy of an audio record	30.00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
(c) For a copy in a computer readable form on -	
(i) stiffy disc	7.50
(ii) compact disc	70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
(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	20.00
(ii) For a copy of an audio report	30.00
(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	
(2) For purposes of section 54(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.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	