

MSUKALIGWA MUNICIPALITY

MANUAL

In accordance with section 51 of the promotion of access to information Act 2 of 2000.

Contents

- 1. Objects of the Act**
- 2. Manual : Msukaligwa Local Council**
- 3. Contact : details**
- 4. Access to records : grounds for refusal**
- 5. Access to records : how to access the information**
- 6. Appeal against decisions**
- 7. Liability**

1**1. Objects of the Act**

The objects of the act are to give effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights, and to provide for matters connected therewith.

The act want to forester a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information. The act actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Bearing in mind that -

The Act recognise that access to information cannot be unlimited and is subject to justifiable limitations.

2. Manual : Msukaligwa Local Council

Msukaligwa Local Council is part of the Local Sphere of government established in terms of the Municipal Structures Act, 1998. As part of Government the manual is to meet the goal's of the Promotion of access to information Act 2 of 2000.

3. Contact details

The responsible department in Msukaligwa Municipal Council is the Department of Marketing.

Address:

Msukaligwa Local Council
Cnr. Church and Taute Street
Joubert Park
Civic Centre

ERMELO

2350

P.O. Box 48

ERMELO

2350

Tel.: 0178192892

Fax: 0178193210

4. Access to records : grounds for refusal

4.1. Records available without request

All information that is public knowledge will be made available without a formal request as in point 5 of this manual, after the prescribed fees have been paid, were applicable.

4.2. Records available only with request:

All information that is not public knowledge will not be made available, unless a formal request as per point 5 has been received. All formal requests will be dealt with according point 5.

As per ANNEXURE C is a list of categories of information held by Council.

4.3. Grounds to refuse a request for information are:

- 4.3.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.3.2 Mandatory protection of the commercial information of a third party, if the record contains
 - 4.3.2.1 Trade secrets of that third party;
 - 4.3.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party;
 - 4.3.2.3 Information disclosed in confidence by a third party to Msukaligwa municipality, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.3.4 Mandatory protection of the safety of individuals and the protection of property;

- 4.3.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.3.6 The commercial activities of Msukaligwa Municipality which may include –
 - 4.3.6.1 Financial commercial scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of Msukaligwa .
 - 4.3.6.2 Information which, if disclosed could put Msukaligwa at a disadvantage in negotiations or commercial competition.
 - 4.3.6.3 A computer program which is owned by Msukaligwa and which is protected by copyright.
- 4.3.7 The research information of Msukaligwa or a third party, if its disclosure would disclose the identity of Msukaligwa, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Request for information that are clearly frivolous or vexatious, or which involve a unreasonable diversion of resources shall be refused.

5. Access to records : How to access the information

- 5.1. A request is to be made on the prescribed form as per **Attached Annexure B** available at Msukaligwa council offices at the Civic Centre; Ermelo.
- 5.2. Different types of fees are payable depending on:
 - a The search for the information;
 - b preparation ;
 - c reproduction;
 - d and postage fee where applicable.

Attached as per **Annexure A** are the prescribed fees that is applicable in obtaining the information.

- 5.3. If all reasonable steps have been taken and a thorough search reveals that the records cannot be found, or does not exist, the relevant official will notify the requester that it is not possible to provide the information. If the record is later found, the requester concerned will be given access to the record, unless access has been refused on valuable grounds.
- 5.4. The requester will be advised within seven (7) days whether the request has been granted or not.

If granted the requester will be advised of the access fee. Once the fee is paid and proof thereof is handed to the relevant official, the information in the relevant form available will be given.

- 5.5. Information to be made available, will be reproduced in a form that is reasonable possible for Msukaligwa Council to deliver it in, depending on available resources.

6. Appeal against decisions

A requester may lodge an internal appeal against a decision made by the relevant official. An internal appeal is to be lodged within 30 days from date of notification of the decision. to the Municipal Manager of Msukaligwa Municipality as per **Attached Annexure C**.

The Municipal Manager will make within 30 days of receipt of the appeal the final decision and will notify the parties involved. The notice will state adequate reasons for the decision, but will exclude any reference of the content of the record. The appellant, third party or requester as the case may be, may lodge an application within a court against the decision of the Municipal Manager within 30 days. The procedure to the court are set out in the act under chapter 2.

7. Liability

Council is not criminally or civil liable for anything done in good faith in the exercise or performance or purported exercise or performance of any power or duty in terms of the Act.

ANNEXURE A**PART 1****FEES IN RESPECT OF GUIDE**

The fee for a copy of the guide as contemplated in regulations 2(3) (b) and 3 (40) (c) is R0.70 for every photocopy of an A4-size page thereof.

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

The fees for copy of the manual as contemplated in regulation 5 (c) is R0.70 for every photocopy of an A4-size page or part thereof.

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

R

For every photocopy of an A4-size page or part thereof. 1.50

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form on 1.50

For a copy in a computer-readable form on

(i)	Stiffy	6.00
(ii)	Compact disc	50.00
d)	(i) For a transcription of visual images, for an A4-size page or part thereof	30.00
	(ii) For a copy of Visual images	70.00
e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	15.00
	(ii) For a copy of an audio record	20.00

The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R40.00.

The access fees payable by a requester referred to in regulation 7(3) are as follows:

- | | | | |
|----|------|---|-------|
| 1) | (a) | For every photocopy of an A4-size page or part thereof | 0.70 |
| | (b) | For every printed copy of an A4-size page or part thereof held on the computer or in electronic or machine readable form. | 0.50 |
| | (c) | For a copy in a computer readable form on- | |
| | (i) | Stiffy | 6.00 |
| | (ii) | Compact disc | 50.00 |
| | d) | (i) For a transcription of visual images, for an A4-size page or part thereof | 30.00 |
| | | (ii) For a copy of Visual images | 70.00 |
| | e) | (i) For a transcription of an audio record, for an A4-size page or part thereof | 15.00 |
| | | (ii) For a copy of an audio record | 20.00 |

To research for and prepare the record for disclosure, R20.00 for each hour of part of an hour, excluding the first hours, reasonably required for such search and preparation.

- 2) For purposes of section 22 (2) of the Act, the following applies:
- 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

R

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

2. 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 | 2 |
| (b) | For every printed copy of an A4-size page or part thereof held on the computer or in electronic or machine readable form. | 2 |

(c)	For a copy in a computer readable form on-	
(i)	Stiffy	10
(ii)	Compact disc	100
d)	(i) For a transcription of visual images, for an A4-size page or part thereof	50
	(ii) For a copy of Visual images	70.00
e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	25.00
	(ii) For a copy of an audio record	35.00

The request fee payable by a requester, other than a persona requester, referred to in regulation 11(2) is R60.00.

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

1)	(a) For every photocopy of an A4-size page of part thereof	2
	(b) For every printed copy of an A4-size page or part thereof held on the computer or in electronic or machine readable form.	2
	(c) For a copy in a computer readable form on-	
	(i) Stiffy	10
	(ii) Compact disc	100
	d) (i) For a transcription of visual images, for an A4-size page or part thereof	50
	(ii) For a copy of Visual images	70.00
	e) (i) For a transcription of an audio record, for an A4-size page or part thereof	25.00
	(ii) For a copy of an audio record	35.00
	f) To research for and prepare the record for disclosure, for each hour of part of an hour, excluding the first hours, reasonably required for such search and preparation.	40.00

(2) For purpose of section 54(2) of the Act, the following applies:

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 IV

SUNDRY

Supply of duplicate accounts	R10.00
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PROPERTY

Property valuation information per town:

Ermelo	R250.00
Wesselton	R250.00
Davel/Kwadela	R 75.00
Breyten/Kwazanele	R150.00
Chrissiesmeer/Kwachibikhulu	R 50.00
Lothair/Silindile	R 75.00
Sheepmoor	R 50.00
Warburton	R 50.00
Valuation certificate	R 17.00
Clearance certificate	R 2.00
Supply of information to obtain clearance certificates	R 17.00
Deed search information	R 34.00

ANNEXURE “A”

FORM A

PART 1

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 thereof.

PART 11

FEES IN RESPECT OF PUBLIC BODIES

1. The fees 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 on	0.40
c) For a copy in a computer-readable form on	
(i) Stiffy	5.00
(ii) compact disc	40.00
d) (i) For a transcription of visual images, for an A4-size page or part thereof	22.00
(ii) For a copy of Visual images	60.00
e) (i) for a transcription of an audio record, for an A4-size Page or part thereof.	12.00
(iii) For a copy of an audio record	17.00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35.00.

4. The access fees payable by a requester referred 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 the computer or in electronic or machine readable Form. | 0.40 |
| (c) For a copy in a computer readable form on - | |
| (i) stiffy disc | 5.00 |
| (ii) compact disc | 40.00 |
| (d) (i) For a transcription of visual images, for an A4-Size page or part thereof | 22.00 |
| (iii) For a copy of visual images | 60.00 |
| (e) (i) For a transcription of an audio record for an A4-size page or part thereof. | 12.00 |
| (ii) For a copy of an audio record | 17.00 |
| To search for and prepare the record for disclosure, For each hour or part of an hour, excluding the first hours, Reasonably required for such search and preparation. | 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 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**

		R
1.	The fee for a copy of the manual as contemplated in regulation 9(2) (C) is for every photocopy of an A4 size page or part thereof.	1.10
2.	The fees for reproduction referred to in regulation 11 (1) are as follows:	R
	a) For every photocopy of an A4-Size page of part thereof	1.10
	(b) For every printed copy of an A4-size page 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	0.75
	(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 record.	30.00
3.	The request free payable by a requester, other than a persona 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 on 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) stiff 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 record | 30.00 |
| | | | R |
| (f) | | To search for and prepare the record for disclosure,
For each hour or part of an hour reasonably required
for such preparation. | 30.00 |
- (2) For purposes of section 54 (2) of the Act, the following appliances:
- (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.

ANNEXURE “B”

FORMA

REQUEST FOR ACCESS

FOR DEPARTMENTAL USE

REFERENCE: _____

REQUEST RECEIVED BY: _____

(state rank, name and surname of information officer/deputy information officer)
on _____ (date) at _____ (place)

Requested fee (if any): R: _____

Deposit (if any): R: _____

Access fee: R: _____

**SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION OFFICER**

- A. TO: THE INFORMATION OFFICER**
- B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

The particulars of the person who requests access to the record must be given below.
The address and/or fax number in the Republic to which the information is to be sent Must be given.
Proof of the capacity in which the request is made, if applicable, must be attached.

Full Names and Surnames: _____

Identity number : _____

Postal address: _____

_____ Fax number: _____

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

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.

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 request for access to a record, will be processed only after a request fee has been paid.
You will be notified of the amount required to be paid as the requested fee.
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.

F. 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 _____ 2002 _____

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

FORM B
NOTICE OF INTERNAL APPEAL

STATE YOUR REFERENCE NUMBER: _____

A. To the information Officer

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

The Particulars of the person who lodge the internal appeal must be given below.

Proof of the capacity in which appeal is lodged, if applicable, must be attached.

If the appellant is a third person and not the person who originally requested the information, the particulars for the requester must be given at C below.

Full Name 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

This section must be completed ONLY if the 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.

Mark the decision against which the internal appeal is lodged with X in the appropriate box:	
<input type="checkbox"/>	Refusal of request for areas
<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 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 to enable compliance with your request.

State the manner: _____

Particulars of manner: _____

SIGNED AT _____ THIS _____ DAY OF _____ 2002

SIGNATURE OF APPELLANT

/Actobject

