

# *Blouberg Municipality*



## **BLOUBERG LOCAL MUNICIPALITY PROMOTION OF ACCESS TO INFORMATION MANUAL**

**STATUS:** As adopted on the 29 May 2025

Prepared in accordance with Section 14 of the Promotion of Access to Information Act 2000, (Act 2 of 2000)

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## **TABLE OF CONTENT**

1. Introduction
2. Purpose and Scope of manual
3. Description of the structure and functions
4. Contact details of municipality
5. Contact details of Information Officer and Deputy Information Officer
6. The Human Rights Commission Guide
7. Description of subjects and categories of records held
8. Records held and access to records held
9. Voluntary disclosure and automatic availability of certain records
10. Request for Access
11. Refusal of Access of certain records
12. Arrangement allowing for public participation

## **ANNEXURES**

- A. Description of records held
- B. Records automatically available
- C. Prescribed Request Form A
- D. Fees and Tariff structure
- E. Exemptions applicable
- F. Refusal of certain records
- G. Prescribed Appeal Form B

## **1. PREFACE**

The Promotion of Access to Information Act 2 of 2000 (the Act) gives effect to the public's right to information from public and private bodies as contained in section 32 of the Constitution of the Republic of South Africa, 1996 (the Constitution) and to advance and increasingly focus on the development of good corporate governance.

Bearing in mind —

that the right of access to any information held by the Blouberg Municipality may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic environment based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution and also as specified in Part 2, Chapter 4, of the Act.

## **2. INTRODUCTION**

This PAIA manual has been compiled for the Blouberg Municipality and is a requirement in terms of section 14 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000). This legislation gives effect to the public's right of access to information from public and private bodies as contained in section 32 of the Constitution.

One of the objectives of the Act is to promote transparency, accountability and effective governance. This objective forms part of the Blouberg Local Municipality's strategy to achieve developmental and participatory local government. The Blouberg Local Municipality also strives to be accessible by inter alia providing information.

## **3. PURPOSE OF THE MANUAL**

(a) The purpose of the manual is:

- To enable people to exercise their rights in terms of the Act.
- To create an understanding of the functions performed and records kept by the Blouberg Local Municipality.
- To assist in fostering a culture of transparency, accountability and to promote public participation.

Section 14 of the Act obliges the Information Officer (Municipal Manager) of public bodies like the Blouberg Local Municipality, to compile a manual which would assist a person to obtain access to information held by such public body and stipulates the minimum requirements such manual has to comply with.

As required under Section 14, this Manual contains the following information:

- A description of the Municipality's structure and functions;
- The postal and street address, phone number and electronic mail address of the Information Officer as well as of the Deputy Information Officer designated;
- Sufficient detail to facilitate a request for access to a record of the Municipality;
- A description of the subjects on which the Municipality holds records and the categories of records held on each subject;
- Categories of records of the Municipality which are available without a person having to request access;
- A description of the services available to members of the public from the Municipality and how to gain access to those services;
- A description of any arrangement or provision for a person by consultation, making representations or otherwise, to participate in or influence:
- The formulation of policy; or
- The exercise of powers or performance of duties by the Municipality;
- A description of all remedies available in respect of an act or a failure to act by the Municipality; and
- Such other information as may be prescribed.

#### 4. FUNCTIONS

The Blouberg Local Municipality has legislative authority and is empowered to govern, on its own initiative, the local governmental affairs of its community, subject to the national and provincial legislation, as provided for in the Constitution and other relevant legislation.

The municipality operates within a legislative framework which consists of various statutes, which include:

- the Constitution of the Republic of South Africa (Act 108 of 1996); and
- Local Government: Transitional Act (Act 209 of 1993);
  - Local Government: Municipal Systems Act (Act 32 of 2000);
  - Local Government: Municipal Structures Act (Act 117 of 1998);
  - Local Government: Municipal Finance Management Act (Act 56 of 2003).

Other statutes which impact on the governance of the municipality include (the list is not exhaustive).

Water Services Act	Act 108 of 1997
National Water Act	Act 36 of 1993
Electoral Act	Act 73 of 1998
Promotion of Local Government Affairs Act	Act 91 of 1983
Electricity Act	Act 41 of 1987
Promotion of Access to Information Act	Act 2 of 2000
Promotion of Administrative Justice Act	Act 3 of 2000
National health Act	Act 61 of 2003
Occupational Health & Safe Act	Act 85 of 1993
Labour Relations Act	Act 66 of 1995
Basic Conditions of Employment Act	Act 75 of 1997
Employment Equity Act	Act 55 of 1998
Skills Development Act	Act 97 of 1998
Unemployment Insurance Act	Act 63 of 2001
Pension Funds Act	Act 24 of 1956
The Removal of Restrictions Act	Act 84 of 1967
Public Audit Act	1965 Act 25 of 2004
National Road Traffic Act	Act 93 of 1996
Housing Act	Act 107 of 1997

The municipality's functions is to carry out its constitutional mandate, by striving within its financial and administrative capacity to achieve the objects of local government, viz:

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

In terms of the aforesaid statutes the powers and functions of BLM includes, inter alia

- a) solid waste disposal sites;
- b) promotion of local tourism;
- c) ensuring integrated development planning;
- d) provision of portable water supply systems;
- e) the establishment, conduct and control of cemeteries;
- f) provision of bulk sewage purification works and main sewage disposal systems;
- g) provision of municipal public works relating to any of above functions or any other functions assigned to the municipality;
- h) the receipt, allocation and distribution of grants made to the municipality;
- i) the imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned in terms of national legislation; and
- j) bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and the generation of electricity.

#### **4. CONTACT DETAILS OF MUNICIPALITY**

**Physical Address:**

**2<sup>nd</sup> Building, Senwabarwana Road  
Limpopo Province**

**Postal Address:**

**P.O Box 1593**

**Senwabarwana**

**0790**

**Telephone**

**Number:**

**0155057100**

**WebsiteAddress:**

**[www.blouberg.gov.za](http://www.blouberg.gov.za)**

**Email Address:info@blouberg.gov.za**

**5.CONTACT DETAILS OF INFORMATION AND DEPUTY INFORMATION OFFICE**

**5.1 INFORMATION OFFICER:**

**Name & Designation:** Ramothwala R.J— Municipal Manager

**Postal Address:** PO Box 1593,  
Senwabarwana,0790

**Physical Address:** 2<sup>nd</sup> Building,  
Senwabarwana

**Telephone Number:** 015505.....

**Email:**

**[ramothwalar@gmail.com](mailto:ramothwalar@gmail.com)**

**5.2 DEPUTY INFORMATION OFFICER**

**Name & Designation:** Mdaka N.R— Director: Corporate Services

**Postal Address:** PO Box 1593,  
Senwabarwana 0790

**Physical Address:** 2<sup>nd</sup> Building,  
Senwabarwana

**Telephone Number:** 015505.....

**Email:**

**[mdakanyangi@gmail.com](mailto:mdakanyangi@gmail.com)**

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## 6. THE HUMAN RIGHTS COMMISSION GUIDE

A Guide has been compiled by the Human Rights Commission in terms of Section 10 of the Act, which contains information required by a person wishing to exercise any right, contemplated by the Act. The Guide is available in all of the official languages from the PAIA Unit of the Human Rights Commission, who may be contacted at:

Physical Address:

29 Princess of Wales Terrace  
Cnr of York and St Andrews Street, Parktown

Postal Address:

Private Bag 2700  
Houghton  
2041

Telephone: +27 1 1 484 8300 Fax: +27 1 1 484 1360

Website: [www.sahrc.org.za](http://www.sahrc.org.za) E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 7. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS HELD

"Records" of the municipality refer to those records created or received in the course of official business and which are kept as evidence of the Municipality's functions, activities and transactions.

There are different forms of records, for example correspondence files, maps, plans, registers, agendas and minutes, by-laws and tariffs, policy documents, etc., which could be available in different media formats, i.e. paper or electronic. **Annexure "A"** gives a description of the subjects on which the Municipality holds records, as well as the categories held on each subject.

The method of managing records in the Municipality is in accordance with provincial archive requirements. It should be noted that inclusion in the following list of records does not mean that the files or records are necessarily accessible under the Promotion of Access to Information Act. The Act prohibits a public body from allowing access, and/or allows the public body to refuse access, to certain

types of information. Chapter 4 of the Act deals with the grounds for refusal of access to records.

**8. INFORMATION TO BE FORMALLY REQUESTED IN TERMS OF THE ACT INCLUDES INTER ALIA:**

- Tenders;
- Salary Advices;
- I-JIF Returns;
- Annual financial reports;
- Management reports
- Financial Records;
- Employees' Leave Records;
- Internal Policies and Procedures;
- Council minutes and agendas;
- Correspondence on General Files;
- Documentation on disciplinary matters;
- Internal correspondence Statutory Documents;
- Documentations on Policies and Conditions of Employment;
- Records obtained from third parties held by the Municipality;
- Various agreements entered into between the Municipality and third parties;
  
- Documents pertaining to tenders and other procurement related matters;
- Minutes of the Municipality and its various committees and sub-committees; • Data base of service recipients, including but not limited to residents, customers, suppliers, etc.,

**9. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS SECTION 15**

The records as set out in **Annexure "B"** are automatically available without a person having to request access in terms of the Act, but where appropriate, remain subject to review by the Information Officer or Deputy Information Officer in terms of Section 15 (4) Of the Act.

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All other records must be formally requested as provided for in this manual. The only fee payable, if any, for access to these records is the prescribed fee for reproduction.

Where a request for information cannot be met a requester shall be:

- Informed of his/her right to make a formal application under the Act.
- Informed of the fact that certain types of requests for information may be refused.
- Informed of his/her right to appeal if a request is initially refused.

## **11. REQUEST FOR ACCESS SECTION 11**

Access given

When a record/information is requested in terms of the Act, the requester must be given access thereto, if the requester complies with the following:

"All the procedural requirements in the Act, relating to the request for access to a record; and Access to the record is not refused on any ground of refusal mentioned in the Act."

### **Form of Request (Section 18(1))**

Access to information which is not automatically available must be requested in writing on the prescribed form (**Form A**), attached hereto as **Annexure "C"** and be forwarded to the Information Officer or Deputy Information Officer.

The application form must be accompanied by the prescribed request fee.

The application should clearly state what information is required and if the request is for a copy of a record, or whether the requester would like to view the record at the office of the municipality.

If a person asks for access in a particular form, the requester would be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the municipality or would damage its records or infringe a copyright not owned by the municipality.

If the requester wishes to be informed of the decision regarding the request in any other manner, e.g. telephonically, by fax or e-mail, in addition to a written reply, it must be indicated as such. In cases where the requester is asking for information on behalf of somebody else, the capacity in which the request is being made should be indicated and proof hereof provided. When a requester is unable to read or write or has a disability, the request can be made orally, in which event the Information Officer or Deputy Information Officer will complete the form on behalf of the requester.

If for practical reasons access cannot be given in the requested manner but in an alternative manner, then the fee for access will be calculated according to the manner that the requester had requested.

The Information Officer or Deputy Information Officer will render such reasonable assistance, free of charge, as is necessary to enable that requester to comply with section 18(1).

If a requester has made a request for access that does not comply with section 18(1), the Information Officer/Deputy Information Officer concerned may refuse the request if he/she has:

Notified the requester of an intention to refuse the request and stated in the notice:

- The reasons for the contemplated refusal and that the Information Officer/Deputy Information Officer, or another official, would assist that requester in order to make the request in a form that would remove the grounds for refusal, giving the requester a reasonable opportunity to seek such assistance as far as reasonably possible, furnished the requester with any information that would assist the making of the request in that form; and given the requester a reasonable opportunity to confirm the request or alter it to comply with section 18(1).

#### **Transfer of requests (section 20)**

If a request for access is made for information which is not in the possession of the Municipality, or if the information is more closely connected to another public body, the Information Officer/Deputy Information Officer will assist the requester to make the request to the relevant Information Officer of the other body, or transfer the request

to the other body within 14 (fourteen) days after the request has been received.

### **Fees payable (Section 22)**

In terms of the Act, two types of fees are required to be paid, namely the request fee and the access fee.

A requester who seeks access to a record containing personal information about him or herself, the requester, is not required to pay the request fee. Every other requester must pay the relevant request fee.

The Information Officer/Deputy Information Officer will notify the requester to pay the prescribed fee, if any, before further processing the request. The prescribed request fee payable is set out in **Annexure "D"**. The requester may also be notified to pay a deposit under certain circumstances.

The requester may lodge an internal appeal or an application to the court against the payment of the request fee. Certain persons, as set out in **Annexure "E"**, are exempted from paying access fees.

### **RECORDS NOT FOUND IN NON-EXISTING (SECTION 23)**

In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer/Deputy Information Officer will by means of an affidavit/affirmation, inform the requester accordingly, giving full reasons.

### **DEFERRAL OF ACCESS (SECTION 24)**

Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representations within 30 (thirty) days as to why the information is required prior to it becoming public.

### **DECISIONS AND NOTICE (SECTION 25)**

The municipality will respond to the request within 30 (thirty) calendar days, unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is necessitated. Where an extension of the 30 day time limit is required, the requester shall be notified accordingly, together with an explanation why such

extension was necessitated. The time limit may be extended only once, for a further period of 30 days (Section 26).

If the Information Officer/Deputy Information Officer fails to give the decision on a request for access to the requester within the periods as set out here above, the Information Officer/Deputy Information Officer is regarded as having refused the request (Section 27).

If the request is granted, a further access fee as set out in Annexure "D" must be paid for the search, preparation and reproduction of the record, where applicable. The requester will be given the required information, if available, within a reasonable time after receipt of the application form and prescribed fee.

### **LANGUAGE OF ACCESS (SECTION 31)**

The record will be made available in the language preferred by the requester, if it exists in that language, or, if it does not exist in that language or the requester has no preference or has not indicated a preference, in any language it exists in.

### **12. REFUSAL OF ACCESS TO CERTAIN RECORDS**

As indicated here above, the right of access to information is subject to justifiable limitations, including but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances that right with any other right, including the Bill of Rights in Chapter 2 of the Constitution.

Section 9 (b)(ii) recognises that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution. The Information Officer/Deputy Information Officer may refuse access to certain records under the circumstances as provided for in sections 33 to 46 in Chapter 4 of the Act (**See Annexure "F"**).

### **BLOUBERG MUNICIPALITY MAY REFUSE TO GRANT ACCESS TO RECORDS ON THE FOLLOWING GROUNDS:**

- Mandatory protection of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

- Mandatory protection of the commercial information of a third party, if the record contains .
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - Information disclosed in confidence by a third party to Blouberg Municipality if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals, and protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of Blouberg Municipality, which may include:
  - trade secrets of Blouberg Municipality;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Blouberg Local Municipality;
  - Information which, if disclosed could put Blouberg Local Municipality at a disadvantage in negotiations or commercial competition;
  - A computer programme which is owned by Blouberg Local Municipality and which is protected by copyright;
  - The research information of Blouberg Local Municipality or a third party, if its disclosure would disclose the identity of Blouberg Local Municipality, the researched 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 an unreasonable diversion of resources in terms of section 45 of the Act. THIRD PARTY NOTIFICATION AND INTERVENTION (CHAPTER 5)

Notice to third parties (Section 47)

The Information Officer/Deputy Information Officer considering a request for access to a record of a third party must take all reasonable steps to inform a third party to whom or which the record relates of the request as soon as reasonably possible, but in any event, within 21 days after the request is received, by the fastest means reasonably possible. The third party may, within 21 days after being so informed, make written or oral representations to the Information Officer/Deputy Information Officer why the request should be refused or may give written consent for the disclosure of the record to the requester.

#### Decision on representations by third parties (section 49)

The information officer must, within 30 days, decide whether to grant the request for access and notify the third party accordingly. If the request for access is granted, the notice must state.

- a. Adequate reasons for granting the request, including the provisions of this Act relied upon;
- b. that the third party may lodge an internal appeal or an application, as the case may be, against the decision within 30 days after notice is given, and the procedure for lodging the internal appeal or application;
- c. that the requester will be given access to the record after expiry of the applicable period; and
- d. Unless such internal appeal or application with a court is lodged within that period.

### **13. INTERNAL APPEALS AGAINST DECISIONS OF INFORMATION OFFICERS (PART 4 OF THE AC)**

#### Right of internal appeal (section 74)

A requester may lodge an internal appeal with the municipality against a decision of the Information Officer or Deputy Information Officer, if:

- A request for access is refused;
- The fees charged are unacceptable;
- The period within which a decision with regard to access to a record must be made, is extended;

- Access to a record is not provided in the requested form; and
- A third party may lodge an internal appeal with the municipality against a decision by the Information Officer, Deputy Information Officer to disclose information relating to a third party.

#### Appeal procedure and fees (section 75)

An internal appeal must be lodged on the prescribed form (Form B), which is attached as Annexure "G", within the following periods:

- A period of 60 (sixty) days;
- If notice to a third party is required i.t.o. Section 49 (1) (b), within 30 (thirty) days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

#### **The internal appeal**

An internal appeal must:

- be delivered, posted, faxed or sent electronically to the Information Officer or Deputy Information Officer;
- state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply;
- identify the subject of the internal appeal and give reasons for the appeal; • if applicable, be accompanied by the prescribed appeal fee(s); and
- specify a postal address, fax number or e-mail address.

The Information Officer or Deputy Information Officer must, within ten (10) working days after the receipt of an internal appeal, submit it, together with his/her reasons for the decision, to the Relevant Authority, namely the Speaker or any other person designated by the Municipal Council in writing, for consideration.

If an internal appeal is considered against the refusal of a request for access to a record of a third party, the third party to whom or which the record relates, must be informed of the internal appeal and he/she may, within 21 days after being so informed, make written representations why the request for access should not be granted or give written consent for the disclosure of the record to the requester

concerned. Late appeals may be allowed, if good cause can be shown.

#### Decision on internal appeal and notice thereof (section 77)

When deciding on the internal appeal the Relevant Authority may confirm the decision appealed against or substitute a new decision for it, within 30 days after the internal appeal is received by the Information Officer/Deputy Information Officer.

The Relevant Authority will immediately after the decision on an internal appeal give notice of the decision to the appellant and any relevant third party, state adequate reasons for the decision, and that the appellant, third party or requester, as the case may be, may lodge an application with a court against the decision on internal appeal within 60 days; or, if notice to a third party is required, within 30 days after notice is given, and also state the procedure for lodging the application.

If the Relevant Authority fails to give notice of the decision on an internal appeal to the appellant within the periods indicated here above, it is regarded as having dismissed the internal appeal.

#### APPLICATIONS TO COURT (PART 4, CHAPTER 2 OF THE ACT)

A requester or third party may make an application to a Court regarding the decisions of the Information Officer/Deputy Information Officer, but only after the internal appeal process has been exhausted. A requester may make an application to a Court, if he/she is:

- Aggrieved by the decision of the Information Officer or Deputy Information Officer to disallow the late lodging of an internal appeal;
- Aggrieved by the decision of an Information Officer or Deputy Information Officer of a public body, other than the Information Officer of a national department, provincial administration or municipality to refuse a request for access;
- Aggrieved by the decision of an Information Officer or Deputy Information Officer relating to fees required to be paid, the extension of the period within which to deal with the request or the form of access in which the information will be furnished.
- Apply to a Court by way of an application for appropriate relief i.t.o. Section 82, within 30 days.

#### **14. ARRANGEMENT ALLOWING FOR PUBLIC PARTICIPATION SECTION 141 G**

Section 14(1)(a) of the Act requires the municipality to make arrangements or provisions for a person, by consultation, to make representations to participate in or influence the formulation of policy or the exercise of powers or performance of duties by the municipality.

Public participation in a local government context is governed by the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and the Municipal Structures Act, (Act 117 of 1998). The purpose of the public participation process is to ensure that the Municipality, as well as the broader community, co-owns the public participation process and the end product.

The municipality seeks actively to facilitate the engagement of the community in its planning and policy making processes, through public hearings and ward based public meetings in the annual review of its Integrated Development Plan (IDP). This is also used as an opportunity to provide feedback on the performance levels achieved by the municipality. A municipal unit has been formed to concentrate on involving the community public processes and planning, such as the finalisation of the annual budget and the annual IDP review.

The municipality may use any of the following methods to engage in public participation:

- Distribution of documents in public places for comment;
- Surveys;
- Newspaper advertisements;
- Formal public hearings;
- Public meetings; and
- Development of a public participation structure.

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**MR.RAMOTHWALA R.J**

**MUNICIPAL MANAGER**

## ANNEXURE "A"

### SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE MUNICIPALITY

(These records are available subject to a person having to request access in terms of the

Act and subject to such information not being excluded from disclosure in terms of the Act).

<u>Infrastructure</u> Electricity distribution layouts Geographical information systems Landfill sites - future and existing Road maps and plans for future road developments	<u>Property matters</u> Building plans Valuation rolls Geographical information Title deeds of municipal properties Town planning enforcement records Information on Council-owned land Title deeds of municipal properties Property holdings of the municipality Applications to lease or purchase property Town planning applications and consents Lease agreements for properties rented by the municipality (if any) Lease agreements for properties rented to the municipality (if any) Agreements of properties alienated by the Municipality Sale agreements of properties acquired by the Municipality Applications of property for municipal usage, including expropriations Allocations of social sites to religious/institutional organizations Information on sale of commercial/non commercial property within the municipal area Property holdings within the municipal area
<u>Financial Information</u> Tariffs Subsidy income Estimates VAT records Invoices and supporting documentation Bank statements and records of investments held (if any) Pension Funds: annual reports and financial statements Debtors' statements and financial history Council bank reconciliations Details of payments made to creditors Rentals levied and arrears in situation allowance details	<u>General statistics, surveys and audits</u> Environmental impact assessments Demographic data Social information
<u>Human Resource Records</u> UIF records Leave records Human resource policies and procedures Salary and remuneration package details Medical records of patients, i.e. employees Health: training, promotion and education Staff vacancies, circulars and advertisements	
<u>Operational Statistics and Records</u> Statistical information Town planning statistical information	

Electricity disconnection/reconnection statistics

Strategic plans and statistical information relating to:

- Roads
- Control lines
- Drainage plans
- Details of evictions
- Monthly statistics
- Architectural services
- Environment matters
- Traffic and transportation
- Stormwater engineering
- Libraries - archival collection
- Stormwater complaints database
- Operational emergency procedures
- Legal opinions and litigation files
- Clinics - statistical information
- Catchment management plans

Economic information of the region

Accident records

Accident statistics and reports

Major hazard installation and risk assessments

Diseases

Details of current housing - owners/tenants Occupational Health and Safety Audit of municipal buildings

Fire risk survey of municipal buildings

Occupational hygiene on municipal properties Records of investigations conducted and their outcomes Water quality

Audit reports i.e. forensic, computer and risk audit

Promotion of Access to Information Manual

Contingency and strategic emergency plans Housing - backlog situation and future plans Fines - processing details, i.e. fines, summonses, court rolls, etc.

Motor vehicle testing and license records

Contraventions and prosecutions  
Accident records  
Arrest reports/records  
Solid waste tonnage collection  
Water consumption records  
Water services disconnection and reconnection details Electricity supply details

Municipal Services and Customer Records

Library membership details  
Customers' application, registration and consumption details

Municipal Plans and Policy Decisions

Legislation affecting Local Government, including by-laws Health policy issues

Procurement Records

Details of quotations obtained  
Copies of tenders advertised and awarded Database of suppliers' registration for tendering purposes  
Details of tenders\contracts awarded  
Standards of performance of security tenders

## **ANNEXURE "B"**

### **SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE MUNICIPALITY WHICH ARE AVAILABLE WITHOUT REQUEST FEE**

(The records as set out here are automatically available without a person having to request access in terms of the Act, but where appropriate, remain subject to review by the Information Officer or Deputy Information Officer in terms of Section 15 (4) of the Act]. All other records must be formally requested as provided for in this manual. The only fee payable, if any, for access to these records is the prescribed fee for reproduction.)

- Debtor's account
- Town Planning schemes
- News Letter
- Brochures
- Policies
- All information as freely available on our website: [www.blouberg.gov.za](http://www.blouberg.gov.za)

These records can be accessed in the following manner:

- e-mail;
- letter.

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

- The Occupational Health and Safety Act No. 85 of 1993;
- The Value-Added Tax Act No. 89 of 1991,
- Income Tax Act No. 58 of 1962;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Medical Schemes Act No. 131 of 1998;
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 - The Health Act No. 63 of 1977;
- Consumer Affairs (Unfair business practices Act), 71 of 1988;
- Customs and Excise Amendment Act, 45 of 1995;
- South African Revenue Services Act, 34 of 1997;
- The Constitution of the Republic of South Africa No. 108 of 1996;
- Environmental Conservation Act 107 of 1998;
- Northern Cape Development and Planning Act No 7 of 1998;
- Regional Services Council Act, No 109 of 1985;
- Division of Revenue Act, No 7 of 2003;
- Statistics Act, No 6 of 1999;



**ANNEXURE "C" – PRESCRIBED FORM A**

STANDARD FORM TO BE COMPLETED

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000) [Regulation 6]

1. Name of the Public Body  
2. Name of the Applicant  
3. Address of the Applicant  
4. Telephone Number  
5. E-mail Address  
6. Name of the Public Body  
7. Name of the Officer  
8. Date of Receipt  
9. Date of Completion  
10. Date of Refusal  
11. Date of Appeal  
12. Date of Review

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000)) [Regulation 21]

FOR DEPARTMENTAL USE

Request received by .....	(state rank, name (date) at ..... (place)	Reference Number. ..... (state rank, name and surname
Access fee .....		
Deposit (if any) .....		
Request fee (if any) .....		
<b>SIGNATURE OF IO / DIO</b> .....		..... of IO/ DI) on

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 recorded below (b) Furnish an address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request is made, if applicable, must be attached

.....

Full Names ..... and Surname: .  
Identity .....  
Number: .....  
Postal .....  
Address:

Contact Number: ..... Email  
Address: .....  
Fax Number:

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

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  
(b) located .....  
If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must in 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  
(b) been paid.  
(c) You will be notified of the amount required to be paid as the request fee  
d

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.  
 If you are for exemption of the payment of an fee, lease state the reason therefore.

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 hereunder, 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:

- Your indication as to the required form of access depends on the form in which the record is available
- (b) Access 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

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
3.If the 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 record		Printed copy of information derived from the record
			Copy in computer readable form (stiffy or compact disc)
* If requested a copy or transcription or a record (above), do you wish the copy or transcription to be posted to you?  A postal fee 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			

**ANNEXURE "D" TARIFF STRUCTURE & FEES PAYABLE**

*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 thereof 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**

The Act provides for two types of fees:

- a) a request fee, which is 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.

Before a request is processed, the requester is expected to an amount of R 150.00. Description of Record2

	Fees
Memory stick/ disk	R 40-00
For a transcription of visual images For an A4-size	R 22-00
For a co of visual images	R 60-00

For a transcription of an audio record For an A4- size a e or art thereof	R 12-00
For a copy of an audio record	R 17-00
Request fee payable by a requested, other than a personal requester, referred to in Regulation 7 2	R 35-00
The access able are requester referred to in Regulation 7 3 are as fee follows	
For photocopy of an A4- size a e or art thereof	R 6-00
For every printed copy of an A4-size page or part thereof held on a computer or electronic or machine-readable form	R 6-00
For a copy in a computer— readable form on Computer disc	R 40-00
For a transcription of visual images, for an A4-size page or part thereof	R 22-00
For a co of visual images	R 60-00
For a transcription of audio record, for an A4-size page or part thereof	R 12-00
For a co of an audio record	R 17-00
To search and prepare a record for disclosure, for each hour or part of an hour, excluding the first hour, reasonable required for such search .	R 15-00
A deposit is required if it is expected that the search will exceed six hours, one third of the access fee is a able b the requester as a deposit.	
Postage is payable by the requester when a copy of the record must be posted to the requester	

- The Information Officer or his or her Deputy may also wish to charge the requester Access Fees for any time reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure.
- The Information officer or his or her deputy may withhold a record until the requester has paid the require Request and/or Access fees.
- if the search and preparation for the record(s) concerned would, in the opinion of the Information Officer or the Deputy Information Officer, require more than the hours prescribed for this purpose, the Information Officer or his or her Deputy by way

**ANNEXURE "E" PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION**

of notice must ask the requester to deposit the prescribed portion (no more than 1/3) of the Access Fee which would be payable if the request is granted.

- This money must be refunded to the Requester if the PAIA request is refused.
- The actual postal fee is payable when a copy of a record must be posted to a requester.

Database Government  
Gazette  
Gazette 28107  
No  
Notice No 991  
Regulation 8325  
Gazette GOV  
Date 20051014

*[Faint, illegible text, possibly a stamp or signature]*

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL  
DEVELOPMENT

NO. R.991

14 OCTOBER 2005

I, Bridgette Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22(8) of the promotion of Access to information Act, 2000 (Act No. 2 of 2000) hereby —

a) exempt the following person from paying the access fee contemplated in section 22(6) of the Act:

i) a single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R 14 714.00 per annum; and ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R 27 132.00 per annum and

b) determined that:

i) where the cost of collecting any fee contemplate in section 22 of the Act, exceeds the amount charged, such fee does not apply; the access fee contemplated in section 22(6) of the Act does not apply to the personal record of a requester; and i ii) the request fee contemplated in section 22(1) of the Act and the access fee contemplated in section 22(6) of the Act do not apply to a record requested by a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

SCHEDULE

1 .For purposes of paragraph (a)(i) and (ii) of the notice the following deductions are permissible:

- a) employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
- b) contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act No. 4 of 2002);
- c) compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employee and his or her employee;
- d) contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18(1) (a) of the Income Tax Act, 1962 (Act No. 58 of 1962);
- e) contributions to pension funds in terms of section 13A of the Pension Funds Act, 1958 (Act No. 24 of 1958);
- f) rent or mortgage instalments to the maximum of R 12 000.00 per annum;
- g) maintenance paid in terms of a court order; and
- h) school fees, except school fees paid to a private school.

B.S MABANDLA, MP

Minister for Justice and Constitutional Development

**ANNEXURE "F" - REFUSAL OF CERTAIN RECORDS**

**RECORDS THAT MAY BE REFUSED ACCESS TO**

Section 9 (b)(ii) of the Act recognises that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution. The Information Officer/Deputy Information Officer may refuse access to certain records under the circumstances as provided for in sections 33 to 46 in Chapter 4 of the Act.

Access must be refused in the following circumstances:

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

Access may be refused in the following circumstances:

- If the record consists of information that was supplied in confidence by a third person and disclosure could reasonably be expected to prejudice the future supply of similar information, or

## Access to Information Manual

information from the same source and it is in the public interest that similar information, or information from the same source, should continue to be supplied;

- If disclosure would prejudice or impair the security of a building, structure or system or Means of transport or any other property;
  - If the record contains methods, techniques, guideline or procedures for the prevention detection, limitation or investigation of a contravention or possible contravention of a law or the prosecution of alleged offenders;
  - If the disclosure could jeopardize the economic interests or financial welfare of the • Republic or the ability of Government to manage the economic affairs of the Republic;
  - If the record contains financial, commercial, scientific or technical information that may harm the commercial or financial interests of the public body;
  - Disclosure would reasonably expect that it would put a public body at a • disadvantage in contractual or other negotiations or prejudice it in commercial competition;
  - If the record is a computer programme;
- Records containing information about research being carried out or about to be carried out on behalf of the public body and the disclosure is likely to expose the public body, a person that will be carrying on the research on behalf of the public body, or the subject matter of the research to serious disadvantage;
- If the records contains an opinion, advice, report or recommendation obtained or prepared, an account of a consultation, discussion or deliberation that has occurred (including minutes of meetings) for the purpose of formulating a decision or making a policy or disclosure would frustrate the deliberative process;
  - Disclosure could jeopardize the effectiveness of testing, examining or auditing procedures or methods used by the body;
  - The record contains evaluative material and disclosure would breach an implied promise made to the person who gave it regarding his or her identity or the content of the material;
  - The record contains preliminary, working or draft material;
  - If the request is manifestly frivolous or vexatious or the work required to process; and • Request would unreasonably divert the resources of the public body.

**ANNEXURE "G" - INTERNAL APPEAL FORM - FORM B**

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion to 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:

Mr. Ramothwala R.J  
Municipal Manager/information Officer  
Blouberg Local Municipality  
PO Box 1593  
Senwabarwana  
0790

Tel. No.: 0155057100

Email: ramothwalar@gmail.gov.za

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

- a) The particulars of the person who is lodging the internal appeal must be
  - b) given below.
  - c) 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 of the requester must be given at C below

Full names and .....  
surname: .....

Identity Number: .....

Postal Address: .....

.....

Telephone Number: .....

Email 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 (another 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 an X in the appropriate box:

Refusal of access regarding fees prescribed in terms of section 22 of the Act Decision	
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(2) of the Act to refuse access in the form requested by the requester	
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 to enable compliance with our request.

State the manner: .....

Particulars of .....  
manner:

Signed at .....this day ..... of..... year.....

.....  
SIGNATURE OF APPELLANT

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