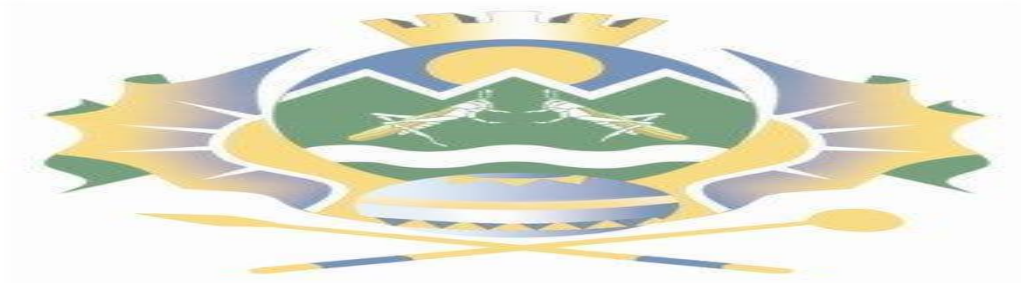


**DR JS MOROKA LOCAL MUNICIPALITY  
REVIEWED ACCESS TO INFORMATION MANUAL**



Prepared in accordance with Section 14 of the Promotion of Access to Information Act  
No. 2 of  
2000 (as amended)

## **TABLE OF CONTENTS**

### Table of Contents

1. DEFINITIONS
2. INTRODUCTION.
3. SCOPE AND PURPOSE OF THE MANUAL
4. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA
5. REQUEST FOR CORRECTION AND DELETION OF PERSONAL INFORMATION BY DATA SUBJECT IN TERMS OF SECTION 24 OF POPIA
6. LEGISLATIVE MANDATE AND FUNCTIOND OF DR JS MOROKA LOCAL MUNICIPALITY
7. THE ORGANISATIONAL STRUCTURE
8. SECTION TO GUIDELINES ON THE USE OF PAIA PROVISIONS
9. PRESERVATION OF RECORDS UNTIL FINAL DECISION ON REQUEST HAS BEEN FINALLY DETERMINED
- 10.RECORDS WHICH ARE AUTOMATICALLY AVAILABLE
- 11.DIAGRAM OF PAIA REQUEST PROCESS

## 1. Definitions

| NO. | Defined term               | Meaning                                                                                                                        |
|-----|----------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Requester                  | A person making a request for information either in person or on behalf of another person.                                     |
| 2.  | Information Officer        | A person designated in terms of section 55 of the protection of personal information Act,2013(Act No. 4 of 2013)               |
| 3.  | Deputy Information Officer | A person designated in terms of section 56(a) of the protection of personal information Act,2013(Act No. 4 of 2013)            |
| 4.  | Data subject               | An identifiable, living, natural person, and where it is applicable; An identifiable, existing juristic person;                |
| 5.  | Responsible party          | Means a person against whom a personal information is requested from and means the Municipality.                               |
| 6.  | Relevant Authority         | The relevant authority against who an appeal for refusal to grant access to information must be lodged is the Executive Mayor. |
| 7.  | Appellant                  | Refers to a person aggrieved by the decision made by the Information officer of the Municipality.                              |

|     |                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08. | Information Regulator | Refers to the information regulator appointed in terms of section 39 of the Protection of Information Act,2013 (Act No. 4 of 2013)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09. | Personal Information  | <p>Information relating to the race, gender, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;</p> <p>Information relating to the education or the medical, financial, criminal or employment history of the person;</p> <p>Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</p> <p>The biometric information of the person; Biometric information includes a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;</p> <p>The personal opinions, views or preferences of the person;</p> |

|     |                           |                                                                                                                                                                                                                                                                                                                                              |
|-----|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                           | Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; and                                                                                                                                          |
|     |                           | The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;                                                                                                                                                               |
| 10. | Processing of information | <p>Processing is any operation or activity or any set of operations, whether or not by automatic means, concerning personal information.</p> <p>Processing is therefore the automated or non-automated activity of collecting, recording, organising, storing, updating, distributing and even the act of deleting personal information.</p> |

## 1.1 INTRODUCTION.

1.1.1 The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (herein referred to as "**PAIA**") seeks to give effect to the constitutional right to access information as contained in Section 32 of the Bill of Rights. PAIA further seeks to advance the constitutional values of transparency and accountability.

1.1.2 The Promotion of Access to Information Act above specified establishes certain statutory rights of requesters to access records of a public body if:

- i). that record is required for the exercise or protection of any rights;
- ii). that requester complies with all the procedural requirements; and
- iii). access is not refused in terms of any ground referred to in the PAIA.

1.1.3 The Protection of Personal Information Act, No. 4 of 2013 (the "**POPI Act**") seeks to give effect to the constitutional right to privacy as contained in Section 14 of the Bill of Rights.

1.1.4 The Protection of Personal Information Act seeks to safeguard personal information by regulating the manner in which it may be processed by public bodies.

1.1.5 The POPI Act provides that data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information, which are set out in chapter 3 of POPI Act.

1.1.6 One of the requirements specified in the PAIA, is the compilation of an information manual that provides information which includes the types and categories of records held by a public body (this relates to PAIA) as well certain information relating to the processing of personal information (this relates to the POPI Act).

1.1.7 The PAIA and the POPI Act are fundamental to the access to information held by the Municipality and are collectively referred to in this document as the "**Acts**".

## 2. **SCOPE AND PURPOSE OF THE MANUAL.**

2.1. The scope of this manual shall include and be applicable to all Dr JS Moroka Local Municipality's residents and interested parties within the Republic of South Africa.

2.2. The purpose of the manual is derived in the legislative provision contemplated in Section 14 of PAIA which provides a peremptory obligation on all public bodies to compile a manual for access to information held by the Municipality for the exercise and protection of rights within the minimum procedure and requirements as set out in the Act.

### **3. RECORDS – CATEGORIES AND SUBJECT OF RECORDS.**

3.1 The information contained in this section is intended to identify the main categories of records held by the Dr JS Moroka Local Municipality and to help the requester to gain a better understanding of the main business activities of the Dr JS Moroka Local Municipality. Further assistance in identifying the records held by the Dr JS Moroka Local Municipality is obtainable from the Information Officer.

3.2 Records to which access will be provided in accordance with the PAIA (subject to the restrictions and right of refusal to access provided for in the PAIA) are available in respect of the following (non-exhaustive) aspects of the Dr JS Moroka Local Municipality' operations.

#### **3.3 DR JS MOROKA LOCAL MUNICIPALITY'S RECORDS.**

- 3.3.1.1 Section 12 Notice on Municipal Delimitations;
- 3.3.1.2 Council Resolution on composition of Council;
- 3.3.1.3 Records relating to the appointment/election of Councillors; and
- 3.3.1.4 List of Senior Management.

#### **3.4 FINANCIAL RECORDS.**

- 3.4.1 Annual Financial Statements;
- 3.4.2 Tax Returns;
- 3.4.3 Accounting Records;
- 3.4.4 Banking Records;
- 3.4.5 Bank Statements;
- 3.4.6 Electronic banking records;
- 3.4.7 Asset Register; and
- 3.4.8 Rental Agreements;

### **3.5 INCOME TAX RECORDS.**

#### 3.5.1 PAYE Records;

3.5.1.1 Documents issued to employees for income tax purposes;

3.5.1.2 Records of payments made to SARS on behalf of employees;

3.5.1.3 All other statutory compliances:

3.5.1.3.1 VAT;

3.5.1.3.2 Skills Development Levies;

3.5.1.3.3 UIF; and

3.5.1.3.4 Workmen's Compensation.

### **3.6 PERSONNEL / EMPLOYEE DOCUMENTS AND RECORDS.**

3.6.1 Employment contracts;

3.6.2 Employment Equity Plan;

3.6.3 Medical Aid records;

3.6.4 Pension Fund records;

3.6.5 Disciplinary records;

3.6.6 Litigation Management records;

3.6.7 Salary records;

3.6.8 SETA records;

3.6.9 Disciplinary code;

3.6.10 Leave records; and

3.6.11 Training records;

### **3.7 SAFETY, HEALTH AND ENVIRONMENT (SHE) RECORDS.**

3.7.1 Occupational Health and Safety Policy;

### **3.8 CATEGORIES OF DATA SUBJECTS AND INFORMATION - SECTION 15(1).**

3.8.1 The Dr JS Moroka Local Municipality process personal information relating to the following categories of data subjects and information:

#### **3.8.1.1 CATEGORIES OF DATA SUBJECTS.**

a). Personnel / employees;

b). Consultants;

- c). Contractors;
- d). Customers;
- e). Local Municipalities;
- f). Service Providers;
- g). Suppliers;
- h). Other third parties with whom the Municipality conduct business.
- i) The above list is non-exhaustive.

### 3.8.1.2 **CATEGORIES OF INFORMATION.**

- 3.8.1.2.1 In respect of natural persons may include: name, identifying number (identity or passport number), date of birth, citizenship, age, gender, race, marital status, language, telephone number(s), email address(es), physical and postal addresses, income tax number, banking information, disability information, employment history, background checks, fingerprints, CVs, education history, remuneration and benefit information, details related to employee performance and disciplinary procedures.
- 3.8.1.2.2 In respect of juristic persons may include: name, tax information, contact details, physical and postal addresses, FICA documentation, BEE certificates, payment details (including bank accounts), invoices and contractual agreements.
- 3.8.1.2.3 The above lists are non-exhaustive.

## **4. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA.**

- 4.1 A data subject may at any time object to the processing of his / her / its personal information (as contemplated in Section 11(3)(a) of the POPI Act) in the prescribed form attached to this manual as Annexure B or with a sworn Affidavit, subject to exceptions contained in the POPI Act.

## **5.REQUEST FOR CORRECTION AND DELETION OF PERSONAL INFORMATION BY DATA SUBJECT IN TERMS OF SECTION 24 OF POPIA.**

5.1 A Data Subject may request that his / her / its personal information be corrected or deleted as contemplated in Section 24 of the POPI Act in the prescribed form attached as Annexure C.

5.2 In accordance with the provisions of Section 14(4) and (5) of POPIA, responsible party must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the responsible party is no longer authorised to retain the record.

## **6. LEGISLATIVE MANDATE AND FUNCTION OF DR JS MOROKA LOCAL MUNICIPALITY.**

6.1 Dr JS Moroka Local Municipality's is a Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) read with Section 151 of the Constitution of the Republic of South Africa, 1996.

6.2 Dr JS Moroka Local Municipality's is under the Jurisdictional area of Nkangala District Municipality.

6.3 Further general information on Dr JS Moroka Local Municipality's, its operations, and activities can be obtained from its website at [www.moroka.gov.za](http://www.moroka.gov.za).

6.4 DR JS Moroka Local Municipality derives its mandate which stems from part B of schedule 4 and 5 of the Constitution of the Republic of South Africa, on inherent powers and functions within its Jurisdictional area outlined as follows:

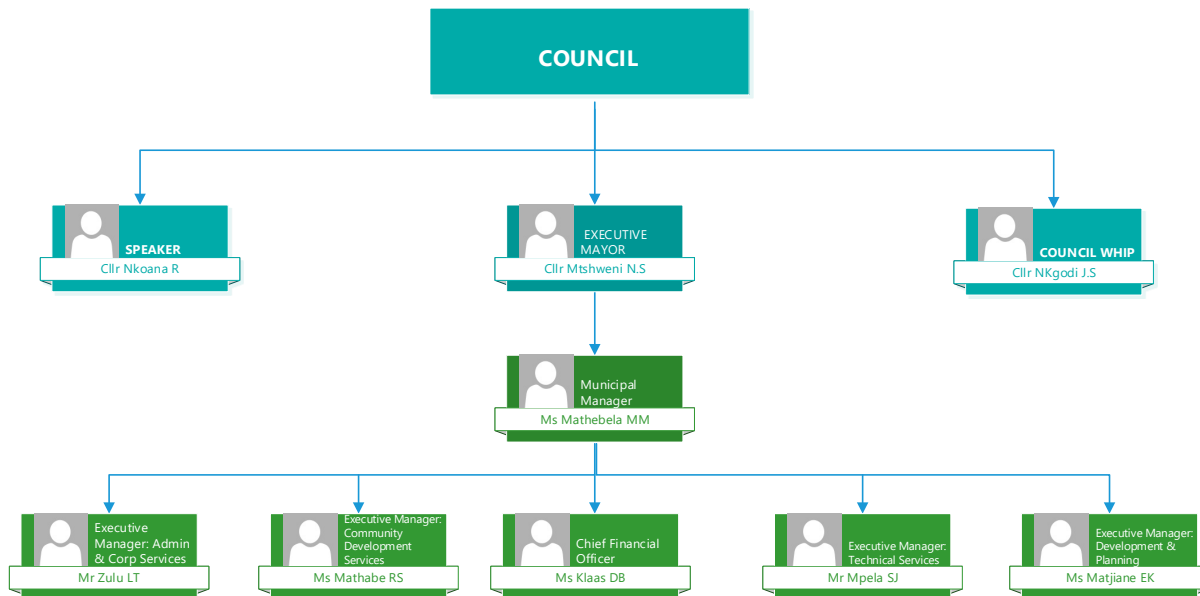
Part B of schedule 4.

Part B of schedule 5.

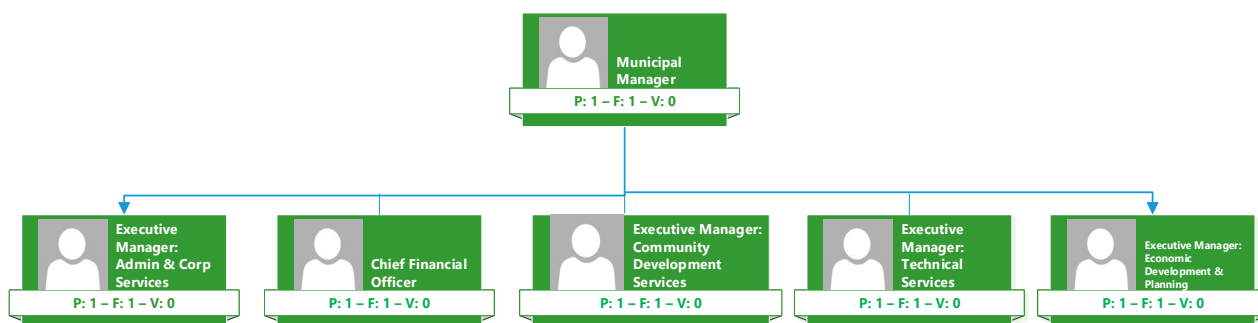
## **7. THE ORGANISATIONAL STRUCTURE.**

7.1 The Synopsis of The Staff Establishment of The Political and Administrative Wing of Dr JS Moroka Local Municipality.

7.1 Political Structure.



## Senior Management Structure



### 7.1.1 CONTACT PERSON IN DR JS MOROKA LOCAL MUNICIPALITY.

### 7.1.2 INFORMATION OFFICER.

7.1.2.1 The Information officer as defined in section 1 of PAIA is the Municipal Manager who serves as the Contact person for the administration, and compliance with both legislative prescripts in Dr JS Moroka Local Municipality.

7.1.2.2 **The contact details for the Information Officer and Deputy Information Officer appointed by the Municipality are depicted as follows:**

| DESIGNATED PERSON          | CONTACT PERSON                                            | DATE APPOINTED                                           | POSTAL ADDRESS                         | PHYSICAL ADDRESS                | TELEPHONE NUMBERS |
|----------------------------|-----------------------------------------------------------|----------------------------------------------------------|----------------------------------------|---------------------------------|-------------------|
| Information Officer        | Municipal Manager Ms M M Mathebela                        | 14 June 2024<br>under registration number<br>2024-012619 | Private Bag<br>X4012<br>Siyabuswa,0472 | 2601/3<br>Bongimfundo<br>street | 013 973<br>1101   |
| Deputy Information Officer | The Executive Manager Administration & Corporate Services | 14 June 2024<br>under registration number<br>2024-012619 | Private Bag<br>X4012<br>Siyabuswa,0472 | 2601/3<br>Bongimfundo<br>street | 013 973<br>1101   |

7.1.2.3 Requests pursuant to the provisions of the Act(s) should be directed to the Information officer and/or the Deputy Information Officer in accordance with section 18 of the Act to the information below and above specified:

7.1.2.4 **Information officer and Deputy Information Officer E-mail and web address**

7.1.3.1.1 Information Officer Email address: [municipalmanager@moroka.gov.za](mailto:municipalmanager@moroka.gov.za)

7.1.3.1.2 Deputy Information Officer Email address: [Zulul@moroka.gov.za](mailto:Zulul@moroka.gov.za)

7.1.3.1.3. Municipal website address: [www.moroka.gov.za](http://www.moroka.gov.za)

## **8. SECTION TO GUIDELINES ON THE USE OF PAIA PROVISIONS.**

### **8.1 HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR GUIDE - SECTION 10:**

8.1.1A Guide has been compiled in terms of Section 10 of the PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by the PAIA. It is available in all the official languages.

#### **8.1.2 Objectives of the Promotion of Access to Information Act, 2000.**

8.1.3 The objects of this Act as envisaged in section 9 of PAIA are:

(a) to give effect to the constitutional right of access to;

(i) any information held by the State; and

(ii) any information that is held by another person and that is required for the exercise or protection of any rights;

(b) to give effect to that right—

(i) 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

(ii) in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;

(c) to give effect to the constitutional obligations of the State of promoting a human rights culture and social justice, by including public bodies in the definition of “requester”, allowing them, amongst others, to access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;

(d) to establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and

(e) generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone;

(i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;

(ii) to understand the functions and operation of public bodies; and

(iii) to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.

8.1.4 The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, South Africa and on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

8.1.5 The Information Regulator is required to update (and make available) the Guide to include information required by persons wishing to exercise any right contemplated in the POPI Act.

8.1.6 The updated Guide will be available from the Information Regulator in the manner prescribed and maybe accessed through [www.justice.gov.za](http://www.justice.gov.za).

8.1.7 The Information Regulator as established in terms of Section 39 of POPIA will ensure enforcement of PAIA and POPIA compliance and South African Human Rights Commission will still maintain its constitutional mandate of ensuring the promotion, protection and Monitoring of the rights entrenched in the constitutional Bill of Rights.

8.1.8 The **Contact Details of the Information Regulator are as follows:**

| Physical address                                                    | Postal address                                        | Telephone  |
|---------------------------------------------------------------------|-------------------------------------------------------|------------|
| JD House,27 Stiemens Street<br>Braamfontein<br>Johannesburg<br>2001 | P O Box 31533<br>Braamfontein<br>Johannesburg<br>2017 | 0100235200 |

8.1.9 This manual is available for inspection on the Dr JS Moroka Local Municipality's website at [\*\*www.moroka.gov.za\*\*](http://www.moroka.gov.za) .

## **8.2 THE MANNER AND FORM OF A REQUEST FOR A RECORD OF A PUBLIC BODY.**

### **8.2.1 ACCESS REQUESTS AS CONTEMPLATED IN SECTION 11 OF THE ACT.**

#### **8.2.1.1 COMPLETION OF ACCESS REQUEST FORM.**

8.2.1.1.1 To facilitate a timely response to requests for access, all requesters should take note of the following when requesting access to information:

8.2.1.1.1.1 The Access Request Form, attached as Form 02 hereto, must be completed in full.

8.2.1.1.1.2 Proof of identity is required to authenticate the identity of the requester – in addition to the Access Request Form, requesters will be required to supply a certified copy of their identification document or a valid passport document, or if a legal entity, a certified copy of the Company Registration Certificate.

8.2.1.1.1.3 A signed consent and/ or special power of Attorney when a request for access to information is made on behalf of another person.

8.2.1.1.1.4 Type or print in BLOCK LETTERS an answer to every question.

8.2.1.1.1.5 If a question does not apply, state "N/A" in response to that question.

8.2.1.1.1.6 If there is nothing to disclose in reply to a particular question state "NIL" in response to that question.

8.2.1.1.1.7 If there is insufficient space on the printed form, additional information may be provided of an additional attached folio.

8.2.1.1.1.8 When the use of an additional folio is required, precede each answer with the applicable title.

8.2.1.1.1.9 The successful completion and submission of an Access Request Form does not automatically allow the requester access to the requested record.

8.2.1.1.1.10 An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 4 Chapter 4 of the PAIA.

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

### **8.3 PERSONS ENTITLED TO LODGE A PAIA REQUEST.**

- 8.3.1 Any person can request information from DR JS Moroka Local Municipality as a public body.
- 8.3.2 Personal requester can lodge a request about their personal information.
- 8.3.3 A requester acting on behalf of another person on fulfilment of the conditions as may be required and as stipulated in section 7 applies.

### **8.4 TYPE OF INFORMATION THAT CAN BE REQUESTED.**

- 8.4.1 Personal information about the requester.
- 8.4.2 Information relating to the violation of the law.
- 8.4.3 Information about official functions of a public body.
- 8.4.4 Records that are on the public domain and already available in the public.

### **8.5 LODGING A PAIA REQUEST FOR INFORMATION IN TERMS OF THE ACT.**

- 8.5.1 A customer who wishes to make a formal request can do so by completing a PAIA Request Form 02 and submitting it at the Office of the Deputy Information Officer at records through email, fax or hand delivery.
- 8.5.2 A customer can also visit a Revenue section for payment of access fee.
- 8.5.3 Alternatively, a request can be submitted electronically to the Office of the Deputy Information Officer.

#### **8.5.4 PROCEDURE ON THE SUBMISSION OF ACCESS REQUEST FORM.**

- 8.5.4.1 The completed Access Request Form, together with a certified copy of the requester's identity document, must be addressed to the Information Officer and can be submitted handically to the Office of the Deputy Information Officer at records department or via the contact details and email addresses stated in paragraph 5.as indicated above.
- 8.5.4.2 A requester may request a copy of the manual by completing form 01.
- 8.5.5 A non-refundable fee of R35,00 (Thirty-five rands) is payable simultaneously on completion of Form 02 on access for information request.
- 8.5.6 An initial request fee approved and provided for in line with the Dr JS Moroka Local Municipality's Tariffs is payable on consideration of granting of access

Request in line with form 03 and in terms of section 25 of the Promotion of Access to Information Act,2000.

8.5.7 The Deputy Information Officer may request a deposit before the request is finalised.

Revenue Section:

| <b>DR JS MOROKA LOCAL MUNICIPALITY</b> |                    |                   |
|----------------------------------------|--------------------|-------------------|
| <b>HEADQUARTER</b>                     |                    |                   |
| 2601/3                                 | Working Days       | Office Hours      |
| BONGIMFUNDO                            | Monday to Thursday | 07:45am - 16:15pm |
| STREET                                 | Friday             | 07:45am – 13h00pm |
| SIYABUSWA A                            |                    |                   |
| MPUMALANGA                             |                    |                   |
| PROVINCE                               |                    |                   |
| 0472                                   |                    |                   |

## 8.6 **Instances in which the Municipality consider granting a request for information.**

8.6.1 The information requested must be made available to the requester within a period of 30 days.

8.6.2 Reasonable effort should be made to provide information in the format that has been specified by the requester.

## 8.7 **Instances where a request for information is refused.**

8.7.1 The Act allows certain types of requests for information to be refused.

8.7.1.1 If a request is refused in terms of the Act, the requester must be informed of the reason/s, the relevant sections of the Act used and the right to appeal against the decision.

## **8.9 Grounds for refusal of access to information.**

8.9.1 The following are the grounds for refusal in terms of the Act, which an Information Officer can rely on to refuse access to a record: -

- 8.9.1.1 Mandatory protection of privacy of third party who is a natural person.
- 8.9.1.2 Mandatory protection of certain records of South African Revenue Services.
- 8.9.1.3 Mandatory protection of commercial information of the third party.
- 8.9.1.4 Mandatory protection of certain confidential information; and protection of certain other confidential information of a third party.
- 8.9.1.5 Mandatory protection of safety of individuals, and protection of property.
- 8.9.1.6 Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
- 8.9.1.7 Mandatory protection of records privileged from production in legal proceedings.
- 8.9.1.8 Defence, security and international relations of the Republic.
- 8.9.1.9 Economic interest and financial welfare of the Republic and commercial activities of public bodies.
- 8.9.1.10 Mandatory protection of research information of third party, and protection of research information of public body.
- 8.9.1.11 Operations of public bodies.
- 8.9.1.12 Manifestly frivolous or vexatious request, or substantial and unreasonable diversion of resources these grounds, however, need to be weighed against whether despite the existence of these grounds, public interest would override the refusal and thus access must be granted. Some records which are protected from release can nevertheless be obtained if: -
  - 8.9.1.12.1 All or some of it has already been released;
  - 8.9.1.12.2 If the information is more than 20 years old;
  - 8.9.1.12.3 If the person/s whose information is contained in the record consents to its release;

8.9.1.12.4 The Act promotes the releasing of information by ensuring that even where records are protected there are processes to ensure that they are not reasonably kept away from the public.

8.9.1.13 The information flowing from discussions held in committee shall be deemed classified and confidential.

## **8.10 The requester right to appeal.**

8.10.1 An internal appeal can only be lodged, in terms of section 74 of **PAIA**, with the relevant authority of the Municipality by completing form 4.

8.10.2 The relevant authority, is referred to as the appeal authority and is the Executive Mayor as the political head of the Municipality.

8.10.3 If access is denied, the requester may lodge an appeal within 60 days using a PAIA Form Attached as form 4 and paying an applicable appeal fee of R50,00.

8.10.4 The same reference number used in the initial request is retained to track the appeal.

8.10.5 In DR JS Moroka Local Municipality, appeals are handled by the Office of the Executive Mayor and or his or her delegatee.

8.10.6 An appeal can be submitted directly to the Office of the Information Officer and or DIO.

8.10.7 The IO should transfer the appeal to the relevant authority within 10 days.

## **8.11 Decision on internal appeal.**

8.11.1 The relevant authority must make a decision on the internal appeal within 30 days after the notice of internal appeal is received.

8.11.2 The decision of the relevant authority may either confirm or set aside the decision of the IO, and where applicable substitute the decision on the request.

8.11.3 The decision of the appeal authority must be communicated to the appellant, third party and the requester.

8.11.4 The decision of the appeal authority must be accompanied by adequate reasons for the decision, including the provision of **PAIA** or **POPIA** relied upon.

8.11.5 If the appeal authority fails to give notice of the decision on an internal appeal to the appellant within 30 days, the appeal is deemed to have been dismissed.

## **8.12 COMPLAINT TO THE INFORMATION REGULATOR**

8.12.1 A requester or third party may only submit a complaint to the Regulator after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer of a Municipality by completing form 05 attached this manual.

8.12.2 Alternatively the requester can approach the Court for an appropriate relief.

## **8.13 Application to court.**

8.13.1 A requester who has been unsuccessful in an internal appeal may, within 180 days of receipt of notice of the decision regarding the internal appeal, apply to the court for appropriate relief as stipulated in section 78(2).

## **8.14 Assistance available from the Information officer**

8.14.1 The Information Officer of a public body has an obligation to render such reasonable assistance, free of charge, as is necessary to enable that requester or data subject to comply with the manner of access as contemplated in sections 18 of the PAIA and section 23 of POPIA.

8.14.2 The assistance on request for access to information must be offered in a language that the requester understands.

8.14.3 This Manual will be available in the following official languages;

8.14.3.1 English.

8.14.3.2 Isindebele.

8.14.3.3 Sepedi.

8.14.3.4 Setswana.

**9. PRESERVATION OF RECORDS UNTIL FINAL DECISION ON REQUEST HAS BEEN FINALLY DETERMINED.**

9.1 The Information Officer to which an internal appeal is applicable is required, in terms of section 21 of PAIA, to take appropriate steps that are reasonably necessary to preserve the record and cannot delete or destroy any re-requested record, until such time as all or any proceedings in an internal appeal or a complaint to the Regulator or an application to court, as the case may be, are finally determined.

**10. RECORDS WHICH ARE AUTOMATICALLY AVAILABLE.**

10.1 Automatically available records and access to such records:

10.1.1 It is trite in terms of Section 15 of Promotion of Access to Information Act,2000 (Act no. 2 of 2000) that DR JS Moroka Local Municipality should state the records it holds.

10.1.2 In view of the legal nature of the Municipality and services that are required to be provided, this listing of records is constantly being updated and may change over time.

| DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY                                                                                                                                                                                                                                                                                                                                     | MANNER OF ACCESS TO RECORDS HELD BY THE MUNICIPALITY |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| AVAILABLE IN TERMS OF SECTION OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000                                                                                                                                                                                                                                                                                                    | Applicable Section                                   |
| FOR INSPECTION IN TERMS OF SECTION <b>15(1)(a)(i)</b>                                                                                                                                                                                                                                                                                                                                |                                                      |
| <ol style="list-style-type: none"> <li>1. Application for township establishment, and</li> <li>2. Application for rezoning or consent use, in terms of the Town Planning and Townships Ordinance, 1986</li> <li>3. Tariffs and rates as determined by the DR JS Moroka Local Municipality in terms of section 74 Local Government: Municipal Systems Act,2000 as amended.</li> </ol> |                                                      |

4. By-laws that are adopted by the Municipality in terms of the Local Government: Municipal Systems Act, 2000 as amended read in conjunction with section 156 (2) of the Constitution of the Republic.
5. Valuation rolls in terms of the Local Government Municipal Property Rates Act,2004 (Act No.6 of 2004)

**FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):**

|                                          |                                 |
|------------------------------------------|---------------------------------|
| 1. Council Agendas and Minutes           | Available for                   |
| 2. Rezoning and consent use applications | copying Available               |
| 3. Valuation Certificates                | for copying to be               |
| 4. Valuation Rolls                       | printed                         |
| 5. Building Plans                        | To be printed                   |
| 6. Site Plans                            | Available for copying / owner's |
| 7. Geographic Information [other than    | consent required                |
| general public information]              | Document and Rates Account      |
|                                          | required                        |
|                                          | Available for copying           |

**AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):**

|                                                     |                        |
|-----------------------------------------------------|------------------------|
| 1. Integrated Development Plans [IDP]               | Available from the     |
| 2. Spatial Development Framework                    | Municipality's Website |
| 3. Municipal Budget                                 | Available from the     |
| 4. Annual Reports                                   | Municipality's Website |
| 5. Service Delivery & Implementation Budget (SDBIP) | Available from the     |
| 12. By-laws                                         | Municipality's Website |
| 13. Policies                                        | Available from the     |
| 14. Traffic fines                                   | Municipality's Website |
| 15. tariffs                                         | Available from the     |
| 16. Valuations                                      | Municipality's Website |
| 22. Public notices                                  | Available from the     |
| 23. State of the Municipal Address                  | Municipality's Website |
| 24. Tenders and Quotations                          | Available from the     |
| 25. Rates and Taxes                                 | Municipality's Website |
| 26. Application Processes                           | Available from the     |
| 27. Vacancies                                       | Municipality's Website |
| 32. Organisational Structure                        | Available from the     |

10.1.3 The DR JS Moroka Local Municipality shall from time to time conduct a review of information that can be made available and improving its own internal access to information and requesters are advised to ask if a record can be made available before making a formal request under the Act.

#### 10.1.4 RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION:

10.1.4.1 Administrative Adjudication of Road Traffic Offences Act, No. 46 of 1998.

Basic Conditions of Employment Act,1997 (Act No. 75 of 1997) as amended.

Broad-Based Black Economic Empowerment Act, 2003 (Act No.53 of 2003).

Compensation for Occupational Injuries and Diseases Act, (Act No.130 of 1993).

Competition Act,1998 (Act No 89 of 1998).

Consumer Protection Act,2008 (Act No. 68 of 2008).

Copyright Act, 1978 (Act No. 98 of 1978).

Counterfeit Goods Act,1997 (Act No. 37 of 1997).

Currency and Exchanges Act,1993 (Act No. 9 of 1933).

Customs and Excise Act,1964 (Act No. 91 of 1964).

Customs Control Act, 2014 (Act No.31 of 2014).

Customs Duty Act,2014 (Act No. 30 of 2014).

Designs Act, 1993 (Act No.195 of 1993).

Disaster Management Act, 2002 (Act No. 57 of 2002) and Regulations.

Division of Revenue Act,2024 (Act No. 24 of 2024).

Drugs and Drug Trafficking Act,1992 (Act No. 140 of 1992).

Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

Employment Equity Act,1998 (Act No. 55 of 1998).

Employment Services Act, 2014 (Act No.4 of 2014).

Employment Tax Incentive Act,2013 (Act No. 26 of 2013).

Environment Conservation Act 73

of 1989 Environmental

Legislation – Other:

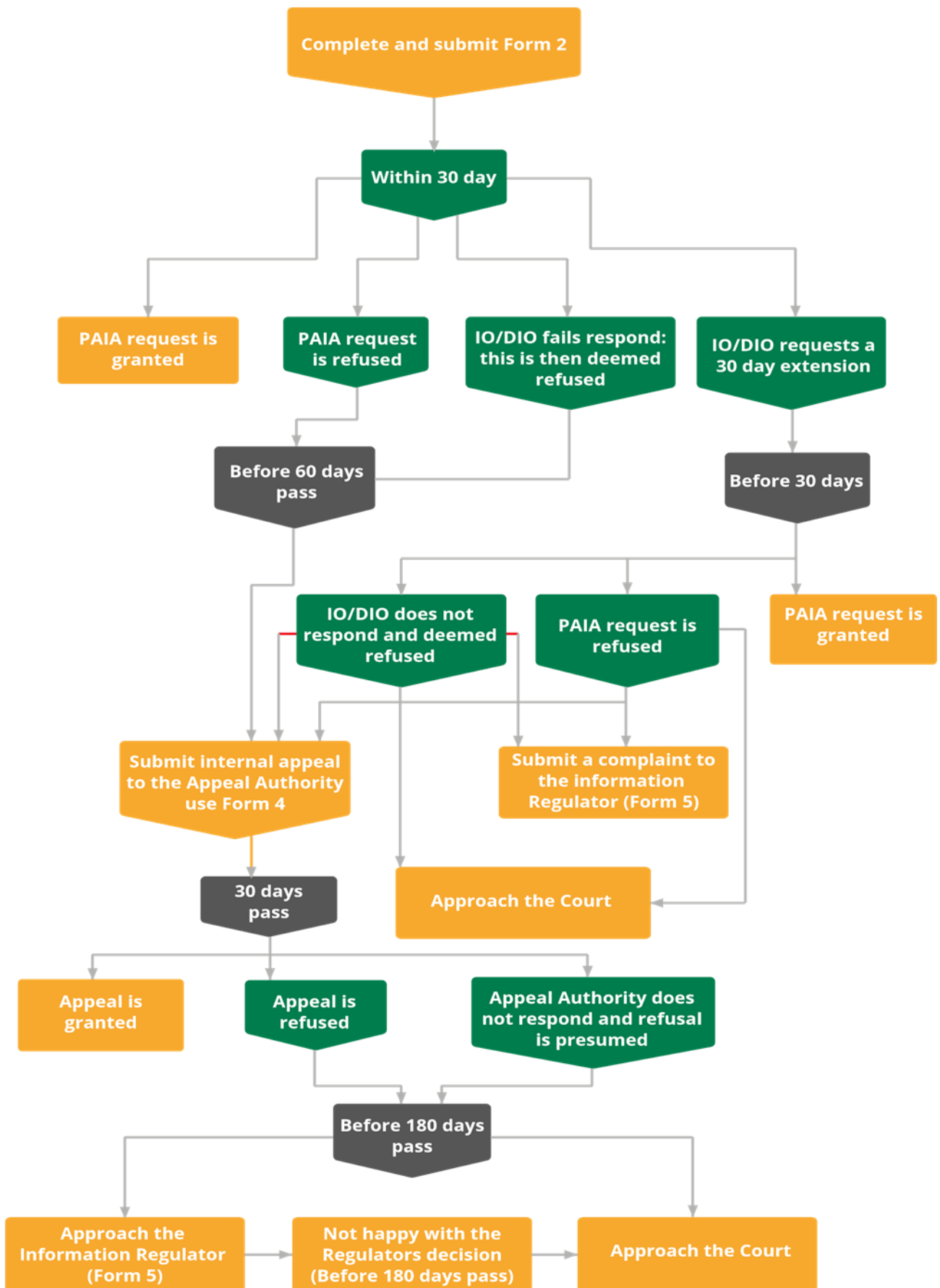
- Atmospheric Pollution Prevention Act No. 45 of 1965
- National Environmental Management: Biodiversity Act No.10 of 2004
- National Environmental Management: Protected Areas Act No. 57 of 2003
- National Heritage Resources Act No. 25 of 1999
- Financial Intelligence Centre Act 38 of 2001 (and Amendment Act)
- Financial Markets Act 19 of 2012

- Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972 (and Regulations Relating to Miscellaneous Additives in Foodstuffs)
- Hazardous Substances Act 15 of 1973
- Income Tax Act 58 of 1962
- Institution of Legal Proceedings Against Certain Organs of State Act No. 40 of 2002
- King Report IV
- Labour Relations Act 66 of 1995 (as amended)
- Local Government: Municipal Finance Management Act No. 56 of 2003
- Local Government: Municipal Finance Management Regulations (Published in terms of Act No. 56 of 2003)
- Local Government: Municipal Structures Act No. 117 of 1998
- Local Government: Municipal Systems Act No. 32 of 2000 and Regulations
- Local Government: Municipal Property Rates Act 6 of 2004 and Regulations
- Local Government: Municipal Demarcation Act No. 27 of 2000 and Regulations
- Local Government: Intergovernmental Fiscal Relations Act No. 97 of 1997 and
- Intergovernmental Relations Framework Act No. 13 of 2005 and Regulations
- Local Government: Municipal Electoral Act No. 27 of 200 and Regulations
- Local Government: Municipal Property Rates Act No. 6 of 2004 and Regulations
- Medicines and Related Substances Act 101 of 1965 (and Amendment Act and Regulations)
- Merchandise Marks Act 17 of 1941
- Mpumalanga Road Traffic Act No. 4 of 1998.
- Municipal Fiscal Powers and Functions Act No. 12 of 2007 and Regulations
- National Credit Act 34 of 2005
- National Environmental Management Act 107 of 1998 (and Amendment Acts)
- National Environmental Management: Air Quality Act 39 of 2004 (and Amendment Act)
- National Environmental Management: Waste Act 59 of 2008 (and Amendment Act)
- National Health Act 61 of 2003

- National Road Traffic Act No. 93 of 1996
- National Water Act 36 of 1998 (and Amendment Act)
- Occupational Health and Safety Act 85 of 1993
- Organised Local Government Act No. 52 of 1997 and Regulations
- Patents Act 57 of 1978
- Pension Funds Act 24 of 1956
- Pharmacy Act 53 of 1974
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act 26 of 2000 (and Amendment Bill)
- Protection of Personal Information Act 4 of 2013
- Public Administration Management Act No. 11 of 2014
- Regulations on Interception of Communications and the Provisions of Communication Related to Information Act 70 of 2002
- Spatial Planning and Land Use Management Act No. 16 of 2013 and Regulations
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Tax Administration Act 28 of 2011
- The White Paper on Local Government, 9 March 1998
- Trademarks Act 194 of 1993
- Traditional Leadership and Governance Framework Act No. 41 of 2003 and Notices
- Unemployment Insurance Contributions Act 4 of 2002
- Value-Added Tax Act 89 of 1991

## **11. DIAGRAM OF PAIA REQUEST PROCESS.**

11.1 Please refer to the step-by step process chart flow, on the processes to be followed when exercise the right of access to information.



| REFERENCE NO. | APPROVAL DATE |
|---------------|---------------|
| ORG:2/P       | 25 APRIL 2025 |

| NAME OF APPROVER                            | RESOLUTION NUMBER | IMPLEMENTING PERSON |
|---------------------------------------------|-------------------|---------------------|
| DR. JS Moroka Local<br>Municipality Council | R724.04.2025D     | MUNICIPAL MANAGER   |

## **ANNEXURES**

**A Prescribed fees**

**B Objection form**

**C Request For Correction Or Deletion Of Personal Information**

## **FORMS**

**Form 01 Copy of the Manual**

**Form 02 Request for access**

**Form 03 Outcome of the fees payable**

**Form 04 Internal appeal**

**Form 05 Complaint form**

**Form 13 Request for compliance assessment**

## **ANNEXURE A**

### **PRESCRIBED FEES IN TERMS OF REGULATION 7**

#### **PRESCRIBED FEES FOR REPRODUCTION OF RECORDS**

**PLEASE NOTE THAT ALL AMOUNTS LISTED ARE INCLUSIVE OF VALUED-ADDED TAX**

#### **ANNEXURE A PART II OF ITEM 2 OF PAIA REGULATION**

- (a) For every photocopy of an A4-size page or part thereof R0, 60
  
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form R0.40
- (c) For a copy in a computer-readable form
  - (i) Stiffy disc R5,00
  - (ii) Compact disc R40,00
  
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00
  - (ii) For a copy of visual images R22,00
  
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00

(ii) For a copy of an audio record

R17,00

(f) To search for and prepare the record for disclosure or part thereof - R34.50 for each hour or part thereof reasonably required for such search and preparation

(g) Six hours of searching to be exceeded before a deposit is payable

(h) One third of the access fee is payable as a deposit by the requester

The actual postage fee is payable when a copy of a record must be posted to a requester. Records are available in terms of the following legislation, as amended from time to time:

**PLEASE NOTE:**

Whilst all reasonable endeavours have been made to provide a complete list of applicable legislation above, it is possible that the above list may be incomplete. Wherever it comes to the Dr Js Moroka Local Municipality's attention that existing or new legislation allows a requester access on a basis other than that set out in the PAIA, the said legislation will apply to the extent feasible the manual shall be updated.

**ANNEXURE B**  
**OBJECTION FORM**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

| A                                                        | DETAILS OF DATA SUBJECT |
|----------------------------------------------------------|-------------------------|
| Name(s) and surname/<br>registered name of data subject: |                         |
| Unique Identifier/<br>Identity Number                    |                         |
| Residential, postal<br>or business<br>address:           |                         |
|                                                          |                         |
|                                                          |                         |

|                                                               |                                                                                                                      |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
|                                                               | Code ( )                                                                                                             |
| Contact number(s):                                            |                                                                                                                      |
| Fax number / E-mail address:                                  |                                                                                                                      |
| <b>B</b>                                                      | <b>DETAILS OF RESPONSIBLE PARTY</b>                                                                                  |
| Name(s) and surname/<br>Registered name of responsible party: |                                                                                                                      |
| Residential, postal or business address:                      |                                                                                                                      |
|                                                               |                                                                                                                      |
|                                                               |                                                                                                                      |
|                                                               | Code ( )                                                                                                             |
| Contact number(s):                                            |                                                                                                                      |
| Fax number/ E-mail address:                                   |                                                                                                                      |
| <b>C</b>                                                      | <b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)</b> |
|                                                               |                                                                                                                      |
|                                                               |                                                                                                                      |
|                                                               |                                                                                                                      |

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|  |

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

.....  
*Signature of data subject/designated person*

## **ANNEXURE C**

### **Request For Correction Or Deletion Of Personal Information**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

### **REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

*Note:*

- 1. Affidavits or other documentary evidence as applicable in support of the request may be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3. Complete as is applicable.*

Mark the appropriate box with an "x".

#### **Request for:**

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

| <b>A</b>                                                    | <b>DETAILS OF THE DATA SUBJECT</b>  |
|-------------------------------------------------------------|-------------------------------------|
| Name(s) and surname / registered name of data subject:      |                                     |
| Unique identifier/ Identity Number:                         |                                     |
| Residential, postal or business address:                    |                                     |
|                                                             |                                     |
|                                                             |                                     |
|                                                             | Code ( )                            |
| Contact number(s):                                          |                                     |
| Fax number/E-mail address:                                  |                                     |
| <b>B</b>                                                    | <b>DETAILS OF RESPONSIBLE PARTY</b> |
| Name(s) and surname / registered name of responsible party: |                                     |
| Residential, postal or business address:                    |                                     |
|                                                             |                                     |
|                                                             |                                     |
|                                                             | Code ( )                            |
| Contact number(s):                                          |                                     |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fax number/ E-mail address: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>C</b>                    | <b>INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/ DESTROYED</b>                                                                                                                                                                                                                                                                                                                                                                                                           |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>D</b>                    | <p><b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b></p> <p><i>(Please provide detailed reasons for the request)</i></p> |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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

.....

*Signature of data subject/ designated person*

