



JOE MOROLONG
LOCAL MUNICIPALITY

“NC 451”

JOE MOROLONG LOCAL MUNICIPALITY
MANUAL IN TERMS OF THE PROMOTION OF ACCESS
TO INFORMATION ACT 2000 [ACT NO. 2 OF 2000]

TABLE OF CONTENTS

A. INTRODUCTION

B. PURPOSE

C. AVAILABILITY OF THE MANUAL

D. FUNCTIONS AND STRUCTURES OF JMLM

- **MANDATE OF THE MUNICIPALITY**
- **ORGANISATIONAL STRUCTURE OF JMLM**

E. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

F. THE HUMAN RIGHTS COMMISSION GUIDE

G. RECORDS HELD BY JMLM

H. CATEGORIES OF INFORMATION HELD BY MUNICIPALITY

- **RECORDS AUTOMATICALLY AVAILABLE (section 14 (1) (e))**

I. PROCEDURE FOR REQUESTING RECORDS

- **DISCRETIONARY REFUSAL OF ACCESS TO RECORDS**
- **MANDATORY REFUSAL OF A REQUEST FOR ACCESS TO A RECORD**

J. APPEAL

K. FEES

L. UPDATING OF THE MANUAL

M. FORM A (Prescribed form) – Attached as Annexure

A. INTRODUCTION

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

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

- The reasonable protection of privacy
- Commercial confidentiality
- Effective, efficient and good governance.

B. PURPOSE

The purpose of this manual therefore is to inform the public and the municipal stakeholders about functions and records of the municipality and how to access same.

The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

C. AVAILABILITY OF THE MANUAL

A copy of this manual is available in three official languages (Setswana, English and Afrikaans) for inspection at no cost at our Municipal service points as well as on our Municipal website (www.joemorolong.gov.za):

D. FUNCTIONS AND STRUCTURES OF JMLM

- **Section 14(1)(a)**
 - a. The powers and functions of the public body are assigned to it in terms of sections 156 and 229 of the Constitution and further governed by the Local Government: Municipal Structures Act, No. 117 of 1998. The structures are derived from sections 79 and/or 80 of the said Act.

Decision-making of the public body is conducted through the Council and the Executive Committee, with the Municipal Manager and 5 Departmental Managers who have delegated and original powers in terms of legislation.

The powers and functions of Municipalities are as follows:

- (1) A municipality has executive authority in respect of, and has the right to administer-*
 - (a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution; and*
 - (b) any other matter assigned to it by national or provincial legislation.*
- (2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.*
- (3) Subject to section 151(4) of the Constitution, a by-law that conflicts with national or provincial legislation is invalid.*
If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149 of the Constitution, the by-law must be regarded as valid for as long as that legislation is inoperative.
- (4) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 of the Constitution which necessarily relates to local government, if-*
 - (a) that matter would most effectively be administered locally; and*
 - (b) the municipality has the capacity to administer it.*
- (5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.*

○ ADMINISTRATIVE STRUCTURE

DIRECTORATES

OFFICE OF THE MUNICIPAL MANAGER

SUB-DIRECTORATES

Monitoring & Evaluation Operations
Risk Management & Anti-Fraud Unit & Corruption
Legal Services & Institutional Compliance
Intergovernmental, International Relations & Alternative Funding
Communication Services
Research, Knowledge Management & Transformation
Provision of Information Management
Organizational Planning and Performance Management
Corporate Management Support
Office of the Executive Mayor

Office of the Speaker
Office of Chief Whip
The Council

CORPORATE SERVICES

Customer Relations
Human Resources Management
Human Resources Development
Secretariat Services
Information Services
Fleet Services
Information Technology

CHIEF FINANCE OFFICER

Revenue Management
Strategic Support Services
Supply Chain Management
Budget and Treasury
Accounting & Compliance
Asset Management

TECHNICAL SERVICES

Water and Sanitation
Roads and Storm Water
Mechanical Services
Project Management Unit
Solid Waste Management
Engineering Support
Architectural & Survey Services

PLANNING & ECONOMIC DEVELOPMENT

Integrated Development and Planning
Town & Regional Planning
Land Use Control
Economic Development
Geographic Information Services

COMMUNITY SERVICES

Emergency Management Services
Social Development
Refuse removal,
Parks & Cemeteries
Disaster Management Services
Environmental management

Public Safety
Rural Housing Subsidy

E. CONTACT DETAILS OF INFORMATION OFFICERS AND DEPUTY INFORMATION OFFICERS IN TERMS OF SECTION 14(1)(b)

The contact details of the information officer and deputy information officer(s) designated in terms of Section 17 of the Act are as follows:

Information Officer : Mr TM Bloom
Municipal Manager
Joe Morolong Local Municipality
Private Bag X 117
Mothibistad
8474

Cardington Road
D320
Churchill Village

Tel No: 053 773-9300
Facsimile No: 053 773-9350

Deputy Information Officer : Mr BE Khokhong . Manager: Legal & Compliance
Deputy Information Officer
Joe Morolong Local Municipality
Private Bag X 117
Mothibistad
8474

Tel No: 053 773-9300
Facsimile No: 053 773-935

Web Site: www.joemorolong.gov.za

F. GUIDE DEVELOPED BY THE HUMAN RIGHTS COMMISSION

The South African Human Rights Commission, established in terms of the provisions of section 181 (b) of the Constitution, has in accordance with the provisions of section 10 of the Information Act, compiled a guide containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Information Act. This guide was published within 18 months of the Information Act coming into effect. If a person wishes to obtain further information, he or she should contact the Human Rights Commission at:

Head Office

29 Princess of Wales Terrace,
Cnr York and St Andrews Street, Parktown, Johannesburg or
Private Bag 2700

Houghton,

Johannesburg 2041

Tel: (011) 484 8300

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

➤ **Section 14(1) (f)**

The following services are provided by the public body:

- Financial Services
- Public Safety
- Planning and Economic Development
- Community Services
- Corporate Services
- Electrical Services
- Engineering and Technical Services
- Strategic Management Services
- General Information

G. RECORDS HELD BY JOE MOROLONG LOCAL MUNICIPALITY

➤ **Section 14(1) (d)**

Under the Promotion of Access to Information Act Joe Morolong Local Municipality is required to state what records it holds. Given the wide range of services provided, this listing of records is constantly being updated and may change over time. The method of managing records in the Municipality is in accordance with national 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. For further information please refer to the [Promotion of Access to Information Act No. 2, 2000](#).

H. CATEGORIES OF INFORMATION HELD BY MUNICIPALITY

Operations	Human Resources	Finances
<ul style="list-style-type: none"> ➤ Agendas + Minutes of meetings ➤ Contracts with external Parties ➤ Property descriptions and details pertaining thereto ➤ Matter details ➤ Registration services with all administrative files ➤ IDP related 	<ul style="list-style-type: none"> ➤ Employment contracts ➤ Personnel files ➤ Policy documents 	<ul style="list-style-type: none"> ➤ Financial statements ➤ Assets inventory ➤ Records of services rendered to even ➤ Budgets ➤ Revenue and expenditure transactions

➤ **AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:**

(Section 15 of the Promotion of Access to Information Act, 2000) [Regulation 5A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS	MANNER OF ACCESS TO RECORDS (e.g. website) (Section 15(1)(b))

20. Adjustments estimate of payment and receipts	Available form the Municipal Web Site
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I. PROCEDURE FOR REQUESTING RECORDS

The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the public body. This request must be made to the address, fax number or electronic mail address of the body, set out above.

The requester must provide sufficient detail on the request form to enable the head of the public body to identify the record and the requester. The requester should also indicate which form of access is required and if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the public body.

➤ **DISCRETIONARY REFUSAL OF ACCESS TO RECORDS**

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

- (a) information supplied in confidence by a third party, the disclosure of which could reasonably be expected to cause prejudice;
- (b) information, the disclosure of which would be likely to impair the security of a building, structure or system, which may be a computer system, means of transport or any other property;
- (c) information regarding methods, systems, plan or procedures for the protection of an individual in a Witness protection scheme, the safety of the public or the security of property;
- (d) a record containing the methods, techniques or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of law or prosecution of an alleged offender;
- (e) a record on the prosecution of an alleged offender where disclosure of the record could reasonably be expected to impede the prosecution or result in a miscarriage of justice;
- (f) a record, the disclosure of which could reasonably be expected to:
 - ~ prejudice the investigation of a contravention or possible contravention of the law;
 - ~ reveal or enable a person to identify a confidential source of information related to the enforcement or administration of the law;
 - ~ result in the intimidation or coercion of a witness or a person who may be called as a Witness in Criminal or other proceedings to enforce the law;
 - ~ a contravention of the law; or
 - ~ prejudice or impair the fairness of a trial or the impartiality of adjudication.
- (g) information, the disclosure of which could cause prejudice to the defense, security of international Relations of the Republic of South Africa;
- (h) information, the disclosure of which is likely to materially jeopardize the economic or financial interests of the Republic of South Africa or the ability of the government to \ manage the economy of the Republic of South Africa effectively; information, which contains trade secrets of the state or a public body or could put a public body at a disadvantage in a contractual or other relations or prejudice a public body in commercial competition;
- (i) information which contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the state or a public body;
- (j) information which is a computer program, defined in the Copyright Act, 1978 (Act No 98 of 1978), owned by the state or a public body; likely to seriously disadvantage a public body, person carrying out the research or subject matter of the research; or information about a record of a public body which contains an opinion, advice, report or recommendation obtained or prepared or an account of a consultation, discussion, deliberation or minutes of a meeting on the formulation of a policy or taking a decision in the exercise of a power or performance of a duty conferred by law if disclosure could reasonably be expected to frustrate the deliberative process or success of the policy.

➤ **MANDATORY REFUSAL OF A REQUEST FOR ACCESS TO A RECORD**

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

Access must also be refused where a request for access to information would involve disclosure of information which is a computer program owned by a private body or where access to the record is prohibited in terms of Section 60 (14) of the Criminal Procedure Act, 977 (Act No 51 of 1977) or where the information is privileged or where the information can endanger the life or safety of an individual or the protection of property.

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

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

J. APPEAL

A requester may lodge an internal appeal against a decision made by the Information Officer. An internal appeal is lodged with the Council at its address within 14 days from the date of refusal.

K. FEES

The Act provides for two types of fees:

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

When the request is received by the Information / Deputy Information Officer, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for the purpose, the Information / Deputy Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.

The Information / Deputy Information Officer shall withhold a record until the requester has paid the relevant fees as indicated below.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangement to make it available in the requested form.

If a deposit has been paid in the respect of a request for access, which is refused, then the Information / Deputy Information Officer concerned must repay the deposit to the requester.

Request and Access fees payable in terms of Section 22 of the Act or exemption thereof:

➤ **FEE SCHEDULE IN RESPECT OF PUBLIC BODIES**

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

Following is the categorised pricing:

- (a) For every photocopy of an A4-size page or part thereof . R0, 60
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0, 40
- (c) For a copy in a computer-readable form on .
 - (i) stiffy disc . R5, 00
 - (ii) compact disc . R15, 00
- (d)
 - (i) For a transcription of visuals images, for an A4-size page or part thereof . R10, 00
 - (ii) For a copy of visual images . R30, 00
- (e)
 - (i) For a transcription of an audio record, for an A4-size page of part thereof . R12, 00

(ii) For a copy of an audio record . . . R17, 00
The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
The actual postage is payable when a copy of a record must be posted to a requester.

➤ **Section 14(1) (g)**

Meetings of the council are open for attendance to the public.
Public representations are invited in a number of matters.

➤ **Section 14(1) (h)**

Administrative action taken by the public body may generally be taken on review.

L. UPDATING OF THE MANUAL

This Manual will be updated and published in terms of section 14(2) of the Act, at intervals of not more than one year.

➤ **Section 14(1) (e)**

No notice has been published in terms of section 15(2) of the Act.

Information may in addition be obtained from the public body's web site, located at www.ioemorolong.gov.za

[Adopted by Council](#)