

MANUAL IN TERMS OF SECTION 14 OF 2013 THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT No. 2 OF 2000)

- o Organizational Structure
- o Municipal contact numbers
- o Departmental Policies
- o Acts and Regulations governing the department's mandate
- o Procedure /Process Manuals
- o Citizen's report
- o Integrated Development Planning (IDP).
- o Newsletters
- o Batho-Pele principles
- o Annual report
- o Budget speech
- o Budget statements
- o Vacancies and Bursaries
- o Supplier database forms
- o Schedules of meetings of Council and its committees
- o Council Minutes and Agendas
- o Committees agendas and minutes
- o Personal Building Plans
- o Budget and expenditure review
- o Performance Reports
- o Service Delivery and Budget Implementation Plans (SDBIP)
- o Adjustments estimate of payment and receipts
- o Departmental Events Calendar

The above records are available on the municipal website: www.cedebergraad.co.za

6.5 Categories of Records held by the municipality

The following records are available to a person after a request for access in terms of the Act and subject to such information not being excluded from disclosure in terms of the Act:

6.6 Procedure for requesting records

Section 18 of the Act provides procedural requirements for access to a record of a public body. The following procedure should be followed when requesting information from the municipality:

6.6.1 A request for access must be made in the prescribed form [See form A] to the information officer concerned at his or her address or fax number or electronic mail address.

6.6.2 The form for a request of access must at least require the requester concerned to provide sufficient particulars to enable the municipality to identify:

- a. The record or records requested;
- b. Which applicable form of access referred to in section 29(2) is required;
- c. Whether the record concerned is preferred in a particular language;

**MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 (ACT No. 2 OF
2000)**

REPUBLIC OF SOUTH AFRICA
INFORMATION ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)
SECTION 14
MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000)

- d. The requester must also indicate if he or she would like to copy the record or would like to inspect the record at the offices
- e. A postal address or fax number of the requester in the Republic;
- f. If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed;
- g. If the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

6.6.3 The completed request form may be submitted in anyone of the following ways:

By Hand:

The Information Officer

Cedeberg Municipality
2A Voortrekker Street
Clanwilliam
8135

Post

The Information Officer
Cedeberg Municipality
Private Bag X 2
Clanwilliam
8135

Fax

The Information Officer
Cedeberg Municipality
(027) 482 1933

6.6.4 Fees Payable

- a. There are two types of fees required to be paid in terms of the Act, being **the request fee** and the **access fee** (s22). A requester who seeks access to a record containing personal information about himself or herself is not required to pay the request fee. Any other requester, who is not a personal requester, must pay the required request fee
- b. The Act provides for two types of fees:
 - (i) A request fee of R 35.00, which will be a standard fee and must accompany the request for information.
 - (ii) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

**MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATIONACT, 2000 (ACT No. 2 OF
2000)**

- a. When the request is received by the 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.
- b. 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 this purpose, the 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.
- c. The access fees payable are as follows:

Description	Cost [R]
For every photocopy of an A4-size page or part thereof	1.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machinereadable form	.60
To copy onto stiffy or memory stick	5.00
To copy onto a Compact Disc	60.00
For a transcription of visuals images, for an A4-size page or part thereof	25.00
Copy of visual image	60.00
Transcription of audio record	12.00
Copy of Audio record	17.00
Search and prepare the record for disclosure /hour	15.00

- f. The actual postage is payable when a copy of a record must be posted to a requester.
- g. Once all prescribed fees are received the information is released to the requester.

6.7 Transfer, Deferral or Records that do not exist

6.7.1 If a request is made for information which is not in the possession of the Municipality, or if the information is more closely connected to another body, the request will be transferred within 14 (fourteen) days after the request has been received, to the other body/institution/organization who could provide the information.

MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 (ACT No. 2 OF
2000)

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

6.7.3 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 will by means of an affidavit/affirmation inform the requester accordingly, giving full reasons.

6.8 Remedies where requests for access to information are refused

6.8.1 The main Grounds for refusal are:

- a. Mandatory protection of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- b. Mandatory protection of the commercial information of a third party, if the record contains:
 - i. trade secrets of that third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. Information disclosed in confidence by a third party to the CEDERBERG MUNICIPALITY, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- c. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- d. Mandatory protection of the safety of individuals, and protection of property;
- e. Mandatory protection of records which would be regarded as privileged in legal proceedings;
- f. The commercial activities of CEDERBERG MUNICIPALITY, which may include:
 - i. trade secrets of CEDERBERG MUNICIPALITY;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the CEDERBERG MUNICIPALITY;
 - iii. information which, if disclosed could put CEDERBERG MUNICIPALITY at a disadvantage in negotiations or commercial competition;
 - iv. a computer programme which is owned by CEDERBERG MUNICIPALITY, and which is protected by copyright;
- g. The research information of CEDERBERG MUNICIPALITY or a third party, if its disclosure would disclose the identity of CEDERBERG MUNICIPALITY, the researched or the subject matter of the research and would place the research at a serious disadvantage.

**MANUAL IN TERMS OF SECTION 14 OF
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 (ACT No. 2 OF
2000)**

2013

MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT No. 2 OF 2000) 2013

- h. Request for information that are clearly frivolous, or vexatious, or which involve an unreasonable diversion of resources.

6.9 Appeals

Cedeberg Municipality does not have internal appeal procedures. Anyone whose request has been declined will have to approach the courts if he/she feels the municipality did not comply with provisions of the act. This would apply to any situation in which the requester wishes to appeal a decision made by the information Officer. Although mention is made of internal appeal procedures, this is subject to such a mechanism actually being in place in the municipality to facilitate such an internal appeal.

6.10 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.

6.11 Arrangement for public participation in policy formulation

Cedeberg municipality will ensure all relevant stakeholders of the municipality are encouraged to register their inputs in their policy. Cedeberg will from time to time utilize Council committee meetings and other public participation initiatives to ensure the community co-owns council policies.

MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 (ACT No. 2 OF
2000)

PROVIDED BY THE INFORMATION PROMOTION UNIT OF THE NATIONAL ARCHIVES AND LIBRARY SERVICES DEPARTMENT IN ACCORDANCE WITH THE INFORMATION PROMOTION ACT, 2000 (ACT No. 2 OF 2000)

FORM A: REQUEST FOR ACCESS TO RECORDS OF CEDERBERG MUNICIPALITY

(Section 18 (1) OF The Promotion of Access to information Act , 2000 (Act No. 2 of 2000)

For Office Use Only

Reference number: _____

Request received by _____
(State rank, name and surname of information officer/deputy information officer)

On _____ (date) at _____ (Place)

Request fee R.....

Deposit (if any) R.....

Access fee R.....

SIGNATURE OF INFORMATION OFFICER

**MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATIONACT, 2000 (ACT No. 2 OF
2000)**

INFORMATION ACT, 2000 (ACT No. 2 OF 2000) SECTION 14(1)(b) INFORMATION ACT, 2000 (ACT No. 2 OF 2000) SECTION 14(1)(b)

**A. PARTICULARS OF CEDEBERG MUNICIPALITY
INFORMATION OFFICER**

Name & Designation	Postal Address	Physical Address	Telephone Number	E-mail Address

B. PARTICULARS OF THE 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 _____

Fax number _____ Tel number: _____ E-mail address: _____

Capacity in which request is made, if made on behalf of another person: _____

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed only if a request for information is made on behalf of another person

MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATIONACT, 2000 (ACT No. 2 OF
2000)

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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 located.
(b) If the provided space is inadequate please continue on a sequence folio and attach it in to this form.
The requester must sign all the additional folios

1. Description of record or relevant part of record: _____

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. FEES

(a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as a fee.
(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees: _____

MANUAL IN TERMS OF SECTION 14 OF 2013 THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT No. 2 OF 2000)

REPUBLIC OF SOUTH AFRICA
INFORMATION PROMOTION ACT 92 OF 2000
SECTION 14 OF 2013
MANUAL IN TERMS OF SECTION 14 OF 2013

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view for listen to the record in the form of access provided for in 1-to 4 hereunder, state your disability and indicated in which form the record is required.

Disability: _____ _____ _____	Form in which record is Required: _____ _____ _____
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Mark the appropriate box with an "X".

(a) Your indication as to the required form of access depends on the form available.
 (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
 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 the record consists of visual images- (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)		
View the images	Copy of the Images*	Transcription of the images

3. If record consists of recorded words or information which can be reproduced in sound –
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**MANUAL IN TERMS OF SECTION 14 OF 2013
THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 (ACT No. 2 OF
2000)**

14/08/2013 10:45:28 AM / C:\Users\user\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\... / 14/08/2013 10:45:28 AM

	Listen to the soundtrack(Audio Cassette)	Transaction of soundtrack* (Written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form

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

Yes	No
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A postal fee is posted

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed 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 to the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20____