



# **MSUNDUZI MUNICIPALITY**

## **SECTION 14 MANUAL FOR THE PROMOTION OF ACCESS TO INFORMATION ACT**

**(Approved by EXCO 23 September 2010)**



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## **SECTION 1: Abbreviations and Definitions**

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IO	Information Officer
DIO	Deputy Information Officer
SE	Strategic Executive
PAIA	Promotion of Access to Information Act No. 2 of 2000
MSA	Local Government: Municipal Structures Act, No. 117 of 2008

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## **SECTION 2: Introduction**

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This manual has been prepared in terms of section 14 of the Promotion of Access to Information Act No. 2 of 2000 herein after referred to as PAIA or “the Act”. The Msunduzi Municipality is guided by values such as openness, accountability and transparency in order to achieve and promote good governance. The application of these values re-enforces the City’s commitment to comply with the Provisions of the Access to Information Act No. 2 of 2000.

It is hereby made available under regulation 4 promulgated by the Department of Justice and Constitutional Development in Government Notice No R187 of 15 February 2002. Reference is made to other regulations and to this Notice.

Where individuals experience difficulty in understanding the manual, the Legal Services Department should be consulted at telephone 033-3922790 or fax no 033-3428753.

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## Section 3: Organisational Information

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### CONTACT DETAILS OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICERS

Formal requests for access to information made in terms of the Act must be addressed to the Information Officer or Deputy Information Officer.

<b>Organisational Name</b>	<b>Msunduzi Municipality</b>
<b>Information Officer</b>	<b>Mr Sizwe Hadebe</b> City Manager
<b>Deputy Information Officer</b>	<b>Ms Thobeka Mafumbatha</b> Manager – Communication and IGR
<b>Deputy Information Officer</b>	<b>Ms Nelisiwe Ngcobo</b> General Manager: Chief Financial Officer
<b>Deputy Information Officer</b>	<b>Mr Radha Gounden</b> General Manager: Sustainable Development and City Enterprises (Acting)
<b>Deputy Information Officer</b>	<b>Ms Boniwe Zulu</b> General Manager: Community Services
<b>Deputy Information Officer</b>	<b>Ms Mosa Molapo</b> General Manager: Corporate Secretariat and Good Governance
<b>Deputy Information Officer</b>	<b>Mr Sechaba Kunene</b> General Manager: Infrastructure Services (Acting)
<b>Postal Address</b>	<b>Private Bag X321 Pietermaritzburg 3200</b>
<b>Physical Address</b>	<b>City Hall Cnr. Chief Albert Luthuli &amp; Church Street Pietermaritzburg 3201</b>
<b>Telephone Number</b>	<b>(033) 392 2002</b>
<b>Facsimile Number</b>	<b>(033) 392 2397</b>
<b>Website</b>	<b><a href="http://www.msunduzi.gov.za">www.msunduzi.gov.za</a></b>
<b>E-mail Address</b>	<b><a href="mailto:municipal.manager@msunduzi.gov.za">municipal.manager@msunduzi.gov.za</a></b>

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## **Section 4: Section 10: Guide on How to Use the Act**

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In terms of Section 10 of PAIA, the Human Rights Commission must compile a guide containing information that may be reasonably required by a person who wishes to exercise any right contemplated in the Act.

This guide is available from the South African Human Rights Commission. The manual will be published in the Government Gazette and will be updated, if necessary, once a year.

SA Human Rights Commission  
PAIA Unit  
The Research and Documentation Department  
Postal Address  
Private Bag 2700  
Houghton  
2041

Telephone Number: 011-4848300

Facsimile Number 011-4841360

Website [www.sahrc.org.za](http://www.sahrc.org.za)

Email address [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

The Msunduzi Municipal Access to Information Manual is available at any of the offices listed below:

The Information Centre  
Ground Floor  
City Hall  
Corner Church Street and Chief Albert Luthuli Street (Commercial Street)  
PIETERMARITZBURG, 3200

The Bessie Head Library  
260 Church Street  
Pietermaritzburg  
or  
P.O. Box 415, Pietermaritzburg, 3200

The Municipal Manager's Office  
Room 102, City Hall  
Corner Church Street and Chief Albert Luthuli Street (Commercial Street)  
or  
P.O. Box 321

PIETERMARITZBURG, 3200

The Office of the Deputy Municipal Manager: Finance.

AS Chetty Building

333 Church St

PIETERMARITZBURG

3200

or

P.O. Box 261

PIETERMARITZBURG

3200

At every place of legal deposit as defined in the Legal Deposit Act, 1997 (Act 54 of 1997)

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## **Section 5: Description of Services Provided by Msunduzi Municipality**

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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, (MSA) No. 117 of 1998. The structures are derived from sections 79 and/or 80 of the MSA.

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

In terms of the Constitution of the Republic of South Africa Act No. 108 of 1996, the Msunduzi Municipality is responsible for the following:

### *Schedule 4 (Part B):-*

- *Air pollution*
- *Building Regulations*
- *Child Care facilities*
- *Electricity and gas reticulation*
- *Fire Fighting services*
- *Local tourism*
- *Municipal airports*
- *Municipal planning*
- *Municipal health services*
- *Municipal transport*
- *Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under the Constitution or any other law.*
- *Storm Water management systems in built-up areas*
- *Trading regulations*
- *Water and sanitation services limited to portable water supply systems and domestic waste-water and sewage disposal systems.*

### *Schedule 5:-*

- *Billboards and the display of advertisements in public places*
- *Cemeteries, funeral parlours and crematoria*
- *Cleansing*
- *Control of public nuisances*



- *Control of undertakings that sell liquor to the public*
- *Facilities for accommodation, care and burial of animals*
- *Fencing and fences*
- *Licensing of dogs*
- *Licensing and control of undertakings that sell food to the public*
- *Local amenities*
- *Local sport facilities*
- *Markets*
- *Municipal abattoirs*
- *Municipal parks and recreation*
- *Municipal roads*
- *Noise pollution*
- *Pounds*
- *Public places*
- *Reuse removal, refuse dumps and solid waste disposal*
- *Street trading*
- *Street lighting*
- *Traffic and parking*

The following are functions and associated services of the Msunduzi Municipality.

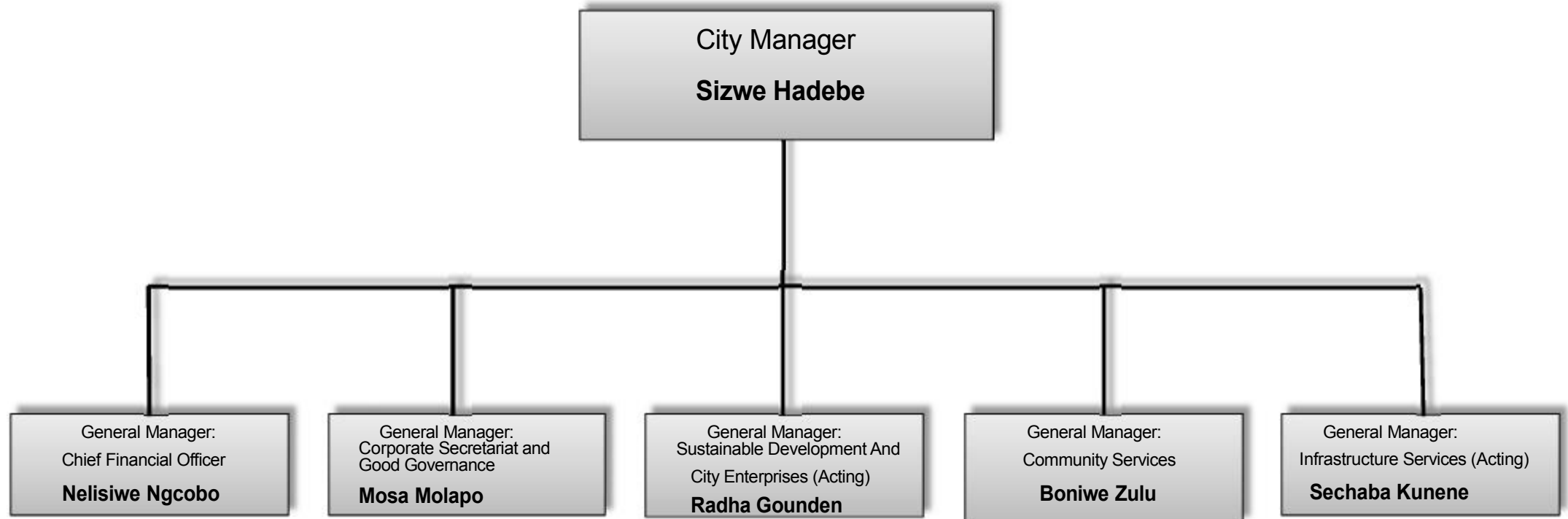
- Secretariat Services;
- Printing Services;
- Licensing Services;
- ICT Services;
- Information Centre;
- Legal Services;
- Human Resource Development;
- Performance Management;
- Human Resources Management;
- Employee Relations.
- Risk Management;
- Fire and Disaster Management;
- Traffic and Security;
- Occupational Health and Safety;
- Community Development;
- Waste Management;
- Landfill Site Services;
- Library Services;
- Parks, Sport and Recreation;
- Health and Social Services ;
- Environmental Health;
- HIV/AIDS and Social Services.

- Development Management, Compliance and Forward Planning;
- Environmental Management;
- Land Survey;
- Real Estate and Valuations;
- Housing Administration.
- Income;
- Consolidated Billing;
- Budget and Financial Management;
- Expenditure;
- Creditors;
- Supply Chain Management
- Infrastructure Planning and Survey;
- Building Inspectorate and Urban Services;
- Transportation Planning;
- Land Survey;
- Quality Assurance;
- Construction (Roads; Buildings; Water; Sewer) Services;
- Water and Sanitation Services;
- Electricity;
- Customer Service;
- Maintenance (Underground MV, LV faults and Construction; Overhead lines repairs; Street light Installations; Traffic Signals and Telephones).

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## Section 6 : Organisational Structure

Local Government is functioning in a consistently changing environment and therefore its structures and services may change. Council's vision, goals and strategic priorities are continuously reviewed and the relevant current structures are aligned with the new strategic direction. The current structure of the Msunduzi Municipality is under review.



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## Section 7 : Organisational Records (Main Series)

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“Records” of the Msunduzi Municipal Council refer to those records created or received in the course of official business and which are kept as evidence of the City’s functions, activities and transactions. There are different forms of records, for example, correspondence files, maps, plans, registers agendas and minutes all of which could be available in different media e.g. electronic, paper or DVD. What follows is a description of the subjects on which the Msunduzi Municipality holds records.

SERIES	CLASSIFICATION
1.	LEGISLATION
2.	MANAGEMENT AND ADMINISTRATION
3.	FINANCE
4.	HUMAN RESOURCES
5.	PLANT AND EQUIPMENT , SUPLIES AND SERVICES
6.	LEGAL MATTERS
7.	MARKETING AND PUBLIC RELATIONS
8.	LIAISON WITH ORGANISATIONS
9.	COUNCIL AND COUNCIL MATTERS
10.	RESTRUCTURING AND STRATEGIC PLANNING
11.	SPECIAL PROJECTS
12.	MUNICIPAL PROPERTY AND ACCOMMODATION
13.	TOWN PLANNING
14.	HOUSING
15.	ROADS, PAVEMENTS AND STORMWATER DRAINAGE
16.	WATER
17.	ENERGY SUPPLIES
18.	WASTE MANAGEMENT
19.	URBAN ENVIRONMENT MANAGEMENT
20.	HEALTH
21.	PROTECTION SERVICES
22.	LICENSING AND PERMITS
23.	COMMUNITY DEVELOPMENT
24.	ECONOMIC DEVELOPMENT
25.	PASSENGERS TRANSPORT SERVICES AND
	TRANSPORTATION

The above main series is without all sub-divisions. The full filing system is available at the Information Centre, Ground Floor, City Hall, Corner Church Street and Chief Albert Luthuli Street (Commercial Street), Pietermaritzburg 3200.

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## **Section 8: Categories of Records Automatically Available/ Voluntary Disclosure**

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(These records are automatically available without a person having to request access in terms of the Act, but where appropriate remain subject to review by the Information Officer in terms of S 15 (4) of the Act)

- **AGENDAS AND MINUTES**

Agendas and minutes of all Council meetings, its Committees and Sub-Committees (excluding the Human Resources Committees) and excluding those minutes and agendas that have been marked “**CONFIDENTIAL**” or subject to items that are legally privileged in terms of Council’s Rules of Order.

- **BUSINESS DETAILS**

Name, locality, address, telephone numbers, contact persons, hours of business, etc. of all Council Offices, depots, installations, facilities and amenities.

- **COUNCILLORS**

Information regarding each Councillor’s:

- Name, office address, office telephone number;
- Election details and political party details;
- Position in Council, e.g. member of committee A, and if office bearer whether full or part-time;
- Council representation on outside bodies;
- Salary, allowances;
- Declaration of interests in terms of the MSA

- **STRUCTURES**

**(Including Council, Executive Committee, Portfolio Committees and other committees)**

- Composition, names of members, office bearers, seat, political membership
- Information regarding meetings.

- **COUNCIL LEGISLATION, BY-LAWS AND POLICIES**

- **DELEGATIONS TO:**

- Political Office Bearers
- Councillors
- Members of Staff
- Structures (Exco, Sub-Councils, Portfolio Committees and other Committees)

- **DECISIONS BY INDIVIDUALS**

- Decisions by any political office bearer, Councillor or staff member in terms of a power of duty delegated or sub-delegated

- **BUDGET**

- Capital and operating budget
- Estimates of income and expenditure
- Reports of the Auditor General

- **INTEGRATED DEVELOPMENT PLAN (IDP)**

- **FINANCIAL RECORDS**

- Annual statements

- **REGISTERS WHERE AVAILABLE**

- Movable assets

- **TARIFFS, FEES AND SURCHARGES ETC.**

## **OFFICIALS**

- **PERSONAL INFORMATION OF MEMBERS OF STAFF IN TERMS OF SECTION 34 (2) (f) OF THE ACT RELATING TO:**

- The fact that the individual was an official.
- Title, work address, work telephone number and other similar particulars of the individual

- **PERSONAL INFORMATION OF PERSONAL REQUESTER**

Personal information requested by personal requester seeking access to a record containing personal information about the requester, on positive identification

- **PUBLICATIONS**

All publications by and on behalf of the Msunduzi Municipality and which have been made public or presented to Council.

- **HOUSING**

- Land available for housing development
- Available Municipal Housing

- **TENDERS**

- Tenders awarded
- Contractors and Service Providers

- **PLANNING**

- Town Planning Scheme
- Building Plans.

- **APPLICATION FORMS FOR ANY SERVICE, LICENCE OR APPROVAL**

- **VALUATION VOTERS ROLL**

- **LAND**

- Details of municipal owned land

## Section 9: Fees Payable In Respect Of Requests for Information (In Terms Of S 7 of Regulation 187 Dated 15 February 2002).

### FEES PAYABLE

- In terms of the Act, two types of fees are required to be paid, namely the request fee and the access fee.
- A requester, who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester must pay relevant request fee.
- The Information Officer / Corporate Deputy Information Officer will notify the requester to pay the prescribed fee before further processing the request.
- The request fee payable is R35 (thirty five rand). The requester may lodge an internal appeal or an application to the court against payment of request fee.

REQUEST FEE (TO REQUESTERS OTHER THAN PERSONAL REQUESTERS) S 7 (2)	R 35.00
<ul style="list-style-type: none"> <li>• REPRODUCTION/ACCESS FEES</li> <li>• FOR THE MANUAL: FOR EVERY PHOTOCOPY OF AN A4 SIZE OR PART THEREOF.</li> <li>• ALSO ANY OTHER A4 SIZE COPY</li> </ul>	60c
EVERY PRINTED COPY OF AN A4 SIZE PAGE OR PART THEREOF HELD ON A COMPUTER OR IN ELECTRONIC MACHINE READABLE FORM	40c
FOR A COPY ON A STIFFY DISC	R 6.00
FOR A COPY ON A COMPACT DISC	R 40.00
FOR TRANSCRIPTION OF VISUAL IMAGES FOR A 4 SIZE PAPER OR PART THEREOF	R 22.00
FOR A COPY OF VISUAL IMAGES	R 60.00
FOR A TRANSCRIPTION OF AN AUDIO RECORD, FOR AN A4 SIZE PAGE OR PART THEREOF	R 12.00
FOR A COPY OF AN AUDIO RECORD	R 17.00
TO SEARCH FOR AND PREPARE THE RECORD FOR DISCLOSURE	R 15.00 per hour or part thereof, excluding the first hour
For the purposes of S 22 (2) of the Act, the following applies:	



<p>(a) Six hours as the hours to be exceeded before a deposit is payable</p> <p>(b) One third of the access fee is payable as a deposit by the requester</p> <p>(c) In terms of S 54(4) the municipality will repay any deposit received should the information be request for access to information be refused.</p>	
POSTAGE IS PAYABLE BY THE REQUESTER WHEN A COPY OF THE RECORD MUST BE POSTED	
<u>NB</u> IF THE INFORMATION OFFICER BELIEVES THAT THE RESEARCH AND PREPARATION OF THE RECORD WILL REQUIRE MORE THAN SIX HOURS, THE INFORMATION OFFICER MAY NOTIFY THE REQUESTER (EXCLUDING PERSONAL REQUESTER) TO PAY A DEPOSIT OF ONE THIRD OF THE ACCESS FEE.	

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## SECTION 10: Request Procedure

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### ACCESS GIVEN

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

- All the procedural requirements in the Act relating to the request for access to a record:- and
- Access to the record is not refused on any ground of refusal mentioned in the Act.
- The request must be made in writing on the prescribed form (See MMPAIA 1) and be forwarded to

The Information Officer or Deputy Information Officer

<b>Information Officer</b>	<b>Mr Sizwe Hadebe</b> City Manager
<b>Deputy Information Officer</b>	<b>Ms Thobeka Mafumbatha</b> Manager – Communication and IGR
<b>Deputy Information Officer</b>	<b>Ms Nelisiwe Ngcobo</b> General Manager: Chief Financial Officer
<b>Deputy Information Officer</b>	<b>Mr Radha Gounden</b> General Manager: Sustainable Development And City Enterprises (Acting)
<b>Deputy Information Officer</b>	<b>Ms Boniwe Zulu</b> General Manager: Community Services
<b>Deputy Information Officer</b>	<b>Ms Mosa Molapo</b> General Manager: Corporate Secretariat and Good Governance
<b>Deputy Information Officer</b>	<b>Mr Sechaba Kunene</b> General Manager: Infrastructure Services (Acting)

Section 29 of PAIA deals with access and forms of access and reads as follows:

- (1) If a requester has been given notice in terms of section 25(1) that his or her request for access has been granted, that requester must, subject to subsections )3) and (9) and section 31-
  - (a) if an access fee is payable, upon payment of that fee; or
  - (b) if no access fee is payable, immediately,

be given access in the applicable forms referred to in subsection (2) as the requester indicated in the request, and in the language contemplated in section 31.

- (2) The forms of access to a record in respect of which a request of access has been granted, are the following:
- (a) If the record is in written or printed form, by supplying a copy of the record or by making arrangements for the inspection of the record;
  - (b) if the record is not in written or printed form-
    - (i) in the case of a record from which visual images or printed transcriptions of those images are capable of being reproduced by means of equipment which is ordinarily available to the public body concerned, by making arrangements to view those images or be supplied with copies or transcriptions of them;
    - (ii) in the case of a record in which words or information are recorded in such manner that they are capable of being reproduced in the form of sound by equipment which is ordinarily available to the public body concerned-
      - (aa) by making arrangements to hear those sounds; or
      - (bb) if the public body is capable of producing a written or printed transcription of those sounds by the use of equipment which is ordinarily available to it, by supplying such a transcription;
    - (iii) in the case of a record which is held on computer, or in electronic or machine-readable form, and from which the public body concerned is capable of producing a printed copy of-
      - (aa) the record, or a part of it; or
      - (bb) information derived from the record,by using computer equipment and expertise ordinarily available to the public body, by supplying such copy;
    - (iv) in the case of a record available or capable of being made available in computer readable form, by supplying a copy in that form; or
    - (v) in any other case, by supplying a copy of the record.

- (3) If a requester has requested access in a particular form, access must, subject to section 28, be given in that form, unless to do so would-
- (a) interfere unreasonably with the effective administration of the public body concerned;
  - (b) be detrimental to the preservation of the record, or
  - (c) amount to an infringement of copyright not owned by the State or the public body concerned.
- (4) If a requester has requested access in a particular form and for a reason referred to in subsection (3) access in that form is refused but access is given in another form, the fee charged may not exceed what would have been charged if that requester had been given access in the form requested.
- (5) If a requester with a disability is prevented by that disability from reading, viewing or listening to the record concerned in the form in which it is held by the public body concerned, the information officer of the body must, if that requester so requests, take reasonable steps to make the record available in a form in which it is capable of being read, viewed or heard by the requester.
- (6) If a record is made available in accordance with subsection (5), the requester may not be required to pay an access fee which is more than the fee which he or she would have been required to pay but for the disability.
- (7) If a record is made available in terms of this section to a requester for inspection, viewing or hearing, the requester may make copies of or transcribe the record using the requester's equipment, unless to do so would-
- (a) interfere unreasonably with the effective administration of the public body concerned;
  - (b) be detrimental to the preservation of the record; or
  - (c) amount to an infringement of copyright not owned by the State or the public body concerned.
- (8) If the supply to a requester of a copy of a record is required by this section, the copy must, if so requested, be supplied by posting it to him or her.

- (9) If an internal appeal or an application to a court, as the case may be, is lodged against the granting of a request for access to a record, access to the record may be given only when the decision to grant the request is finally confirmed.

## **Forms to be used**

1. The prescribed form MMPAIA 1 is to be submitted to the Information Officer as referred to above, for Access to Information.
2. The prescribed form MMPAIA 2 is to be submitted to “Appeal” in the case of information refused by the IO.

## **Decision and Notice**

- (1) Except if the provisions regarding third party notification and intervention contemplated in Chapter 5 of this Part apply, the IO to whom the request is made or transferred, must, as soon as reasonably possible, but in any event within 30 days, after the request is received-

(a) decide in accordance with this Act whether to grant the request; and

(b) notify the requester of the decision and, if the requester stated, as contemplated in section 18 (2) (e), that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner if it is reasonably possible.

[Sub-s. (1) amended by . 28 of Act 42 of 2001]

- (2) If the request for access is granted, the notice in terms of subsection (1) (b) must state-

(a) the access fee (if any) to be paid upon access;

(b) the form in which access will be given; and

(c) that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

- (3) If the request for access is refused, the notice in terms of subsection (1) 9b) must-
- (a) state adequate reasons for the refusal, including the provisions of this Act relied upon;
  - (b) exclude, from such reasons, any reference to the content of the record; and
  - (c) state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

## **Transfer of Request**

- (1) If a request for access is made to the information officer of a public body in respect of which-
- (a) the record is not in the possession or under the control of that body but is in the possession of another public body;
  - (b) the record's subject matter is more closely connected with the functions of another public body than those of the public body of the IO to whom the request is made; or
  - (c) the record contains commercial information contemplated in section 42 in which any other public body has a greater commercial interest,

the IO to whom the request is made must as soon as reasonably possible, but in any event within 14 days after the request is received-

- (i) transfer the request to the IO of the other public body or, if there is in the case of paragraph (c) more than one other public body having a commercial interest, the other public body with the greatest commercial interest; and
- (ii) if the public body of the IO to whom the request is made is in possession of the record and considers it helpful to do so to enable the IO of the other public body to deal with the request, send the record or a copy of the record to that IO.

- (2) If a request for access is made to the information officer of a public body in respect of which-
- (a) the record is not in the possession or under the control of the public body of that IO and the IO does not know which public body has possession or control of the record;
  - (b) the record's subject matter is not closely connected to the functions of the public body of that IO and the IO does not know whether the record is more closely connected with the functions of another public body than those of the public body of the IO to whom the request is made; and
  - (c) the record -
    - (i) was created by or for another public body; or
    - (ii) was not so created by or for any public body, but was received first by another public body,

the information officer to whom the request is made, must as soon as reasonably possible, but in any event within 14 days after the request is received, transfer the request to the IO of the public body by or for which the record was created or which received it first, as the case may be.

- (3) Subject to subsection (4), the IO to whom a request for access is transferred, must give priority to that request in relation to other requests as if it were received by him or her on the date it was received by the IO who transferred the request.
- (4) If a request for access is transferred, any period referred to in section 25 (1) must be computed from the date the request is received by the IO to whom the request is transferred.
- (5) Upon the transfer of a request for access, the IO making the transfer must immediately notify the requester of-
- (a) the transfer;
  - (b) the reasons for the transfer; and
  - (c) the period within which the request must be dealt with.

## **RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST**

(1) If-

(a) all reasonable steps have been taken to find a record requested; and

(b) there are reasonable grounds for believing that the record-

(i) is in the public body's possession but cannot be found; or

(ii) does not exist,

the information officer of a public body must, by way of affidavit or affirmation, notify the requester that it is not possible to give access to the record.

- (2) The affidavit or affirmation referred to in subsection (1) must give a full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the IO.
- (3) For the purposes of this Act, the notice in terms of subsection (1) is to be regarded as a decision to refuse a request for access to the record.
- (4) If, after notice is given in terms of subsection (1), the record in question is found, the requester concerned must be given access to the record unless access is refused on a ground for refusal contemplated in Chapter 4 of this Part.



## **DEFERRAL OF ACCESS**

- (1) If the information officer of a public body decides to grant a request for access to a record, but that record-
  - (a) is to be published within 90 days after the receipt or transfer of the request or such further period as is reasonably necessary for printing and translating the record for the purpose of publishing it;
  - (b) is required by law to be published but is yet to be published; or
  - (c) has been prepared for submission to any legislature or a particular person but is yet to be submitted,

the IO may defer giving access to the record for a reasonable period.

- (2) If access to a record is deferred in terms of subsection (1), the IO must notify the requester concerned-
  - (a) That the requester may, within 30 days after that notice is given, make representations to the information officer why the record is required before
  - (b) Of the likely period for which access is to be deferred.
- (3) If a requester makes representations in terms of subsection (2) (a), the IO must, after due consideration of those representations, grant the request for access only if there are reasonable grounds for believing that the requester will suffer substantial prejudice if access to the record is deferred for the likely period referred to in subsection (2) (b).

## **REFUSAL OF ACCESS TO RECORDS**

If an IO fails to give the decision on a request for access to the requester concerned within the period contemplated in section 25 (1), the IO is, for the purposes of this Act, regarded as having refused the request.

## **REMEDIES**

Remedies are available if the Msunduzi Municipality does not comply with the provisions of the Act:

A requester may lodge an internal appeal with the Msunduzi Municipality against a decision of the IO if:

- A request for access is refused.
- The fees charged are unacceptable.
- The period within which a decision with regard to access to a record must be made extended.
- Access to a record is not provided in the requested form.

A third party may lodge an internal appeal with the Msunduzi Municipality against a decision by the Information Officer or DIO to disclose information relating to the third party.

## **APPEAL PROCEDURE**

- An internal appeal must be lodged on the prescribed form which is attached (MMPAIA 2)
  - i) within a period of 60 (sixty) days;
  - ii) if notice to a third party is required by section 49(1)(b), within 30 (thirty) days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

## **THE INTERNAL APPEAL –**

- Must be delivered, posted, faxed or sent by electronic mail to the Information Officer or DIO
- Must identify the subject of the internal appeal and give reasons for the appeal.
- Must state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply.
- Must, if applicable, be accompanied by the prescribed appeal fee.
- Must specify a postal address, fax number or e-mail address.
- The IO or DIO must within 10(ten) working days after receipt of an internal appeal, submit it to the Appeal Authority, namely the Mayor, for consideration.
- Late appeals may be allowed if good cause can be shown.
- A requester or third party may only apply to a court if the internal appeal procedure against a decision of the Information Officer or Deputy Information Officer has been exhausted.

## REQUEST FOR ACCESS TO RECORDS OF MSUNDUZI MUNICIPALITY FORM

(In terms of Section 18(1) of Promotion of Access to Information Act No. 2 of 2000)  
Regulation 6

## FOR DEPARTMENTAL USE

A. REQUEST RECEIVED BY

REFERENCE NO.....

INFORMATION OFFICER / DEPUTY INFORMATION OFFICER

SURNAME			
PLACE	DATE		
RANK			
SIGNATURE			

## FEE APPLICABLE

		AMOUNT PAID
Request fee (if any)	R	
Deposit (if any)	R	
Access Fee	R	
Postage (if Any)		
TOTAL		

B. PARTICULARS OF REQUESTER

## PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION

Surname		Full Names	
Identity Number		E-mail address	
Telephone Number		Facsimile Number	

POSTAL ADDRESS	
----------------	--

## C.

## PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE (IF APPLICABLE)

Surname		Full Names	
Identity Number		E-mail address	
Telephone Number		Facsimile Number	

D. DESCRIPTION OF RECORDS OR RELEVANT PART OF THE RECORD REQUESTED.

- (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 space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

[illegible]

## 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 the **request fee**.
- (C) The fee payable for access in terms of a record depends on the forms in which access is required and the reasonable time required to search and prepare for a record.
- (D) If you qualify for exemption of the payment of any fee, please state the reason for exemption.
- (E) A personal requester is not required to pay a request fee, but must pay the prescribed access and reproduction fees.

Reason for exemption from payment of fees

#### F. FORM OF ACCESS TO RECORD

<p>If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below state your disability and indicate in which form the record is required.</p>			
Disability			
NOTES:			
<p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>			
(Mark the appropriate shaded box with an X.)			
<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	Inspection of record
<b>2. If the record consists of visual images</b>			
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the images*
<b>3. If the record consists of the recorded words or information which can be reproduced in sound:</b>			

Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed)	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
Printed copy of record*	Printed copy of information derived from the record*	Copy in computer readable form* (stiffy or compact disc)	
* If you request a copy or transcription of a record (above), do you wish the copy of the transcription to be posted to you? Postage is payable	YES	NO	
Note that if the record is not available in the language that you prefer, access may be granted in the language in which the record is available.			
<b>G.</b>			
<b>NOTICE OF DECISION REGARDING REQUEST FOR ACCESS</b>			
You will be notified in writing whether your request has been approved /denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.			
HOW WOULD YOU PREFER TO BE INFORMED OF THE DECISION REGARDING YOUR REQUEST FOR ACCESS TO THE RECORD? PLEASE STATE			
<b>SIGNATURE</b>			
Signature of Requester or Person on whose behalf Request is being made			
<b>NAME IN BLOCK LETTERS</b>			
<b>PLACE</b>		<b>DATE</b>	

**FOR DEPARTMENTAL USE**

**REQUEST FOR ACCESS TO RECORDS**

**APPROVED/REFUSED**

**SIGNED.....**

**DESIGNATION.....**

**DATE.....**

## FORM MMPAIA 2

### NOTICE OF MSUNDUZI MUNICIPALITY INTERNAL APPEAL FORM (in terms of Section 75 of the Promotion of Access to Information Act No. 2 of 2000)

#### A) PARTICULARS OF PUBLIC BODY

<b>INFORMATION OFFICER</b>		<b>DEPUTY INFORMATION OFFICER</b>	
NAME		NAME	
SURNAME		SURNAME	
RANK		RANK	
SIGNATURE		SIGNATURE	

#### B) PARTICULARS OF REQUESTER/THIRD PARTY WHO LODGES THE INTERNAL APPEAL

#### NOTES:

- The particulars of the person who lodge the internal appeal must be given below.
- Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at c below

SURNAME		FIRST NAMES	
IDENTITY NUMBER		E-MAIL ADDRESS	
TELEPHONE NO.		FACSIMILE NO.	
POSTAL ADDRESS			
CAPACITY IN WHICH AN INTERNAL APPEAL ON BEHALF OF ANOTHER PERSON IS LODGED:			

#### C) PARTICULARS OF REQUESTER

NOTE: This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

SURNAME		FIRST NAMES	
IDENTITY NUMBER		E-MAIL ADDRESS	
TELEPHONE NO.		FACSIMILE NO.	
POSTAL ADDRESS			

#### D) THE DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension the period within which the request must be dealt with in terms of section 26 (1) of the Act
	Decisions in terms of section 29 (3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

#### E) GROUNDS FOR APPEAL

NOTE: If the provided space is inadequate, please continue on a separate folio and attach it to this form.

You must sign all the additional folios.

State the grounds on which the internal appeal is based:
State any other information that may be relevant in considering the appeal:

#### F) NOTICE OF DECISION ON APPEAL

NOTE: You will be notified in writing of the decision of your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:
Particulars of manner:

<b>G) SIGNATURE</b>			
Signed at		Date	
Signature of the Requester			

<b>FOR DEPARTMENTAL USE:</b>
<b>OFFICIAL RECORD OF INTERNAL APPEAL:</b>

Date appeal received on	
-------------------------	--

INFORMATION OFFICER		DEPUTY INFORMATION OFFICER	
NAME		NAME	
SURNAME		SURNAME	
RANK		RANK	
SIGNATURE		SIGNATURE	

NOTE: Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/ deputy information officer on (date) to the relevant authority.

<b>OUTCOME OF APPEAL</b>
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Decision of Information Officer/Deputy Information Officer	Confirmed			New	
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New Decision:

<b>SIGNATURE OF RELEVANT AUTHORITY</b>
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Relevant Authority		Date	
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<b>RECEIVED BY INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY</b>
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INFORMATION OFFICER		DEPUTY INFORMATION OFFICER	
NAME		NAME	
SURNAME		SURNAME	
RANK		RANK	
SIGNATURE		SIGNATURE	
DATE		DATE	