



# GREATER LETABA MUNICIPALITY

P.O Box 36, Modjadjiskloof, 0835, Tel (015) 309 9246/7/8,  
Fax (015) 309 9419, web: [www.greaterletaba.gov.za](http://www.greaterletaba.gov.za)

## PAIA & POPIA Manual

promotion of Access to Information Act, 2 of 2002

&

Protection of Personal Information Act, 4 of 2013

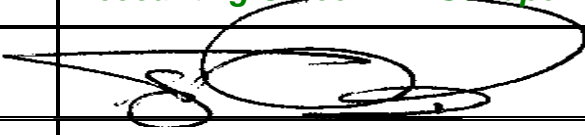
This document was prepared and made available in accordance with Section 14 of PAIA and forms part of the responsibilities of the Information Officer in terms of Regulation 4(c) of the Regulations Relating to the Protection of Personal Information, as published by the Information Regulator, under section 112(2) of POPIA, Government Gazette No. 42110 of 14<sup>th</sup> of December 2018.

*"To be the leading municipality in the delivery of quality services for the promotion of socio-economic development."*

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	<b>Mr. Lekhota M P</b> <b>015 309 9246</b>	<b>1</b>

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## Preface

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

Bearing in mind -

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

The **Protection of Personal Information Act, 4 of 2013** (POPIA) aims to promote the protection of personal information processed by public and private bodies; to introduce certain conditions so as to establish minimum requirements for the processing of personal information; to regulate the flow of personal information across the borders and to provide for matters connected therewith.

## 1. Introduction

This Manual has been compiled for the Greater Letaba Municipality and is a requirement in terms of section 14 of PAIA and Regulation 4(c) of the Regulations Relating to the Protection of Personal Information. This Manual aims to give effect to the public's right of access to information held by a public body and the protection of personal information processed by a public body.

One of the objectives of PAIA is to promote transparency, accountability, and effective governance. These objectives form part of the Greater Letaba Municipality's strategy to achieve developmental and participatory local government in Limpopo. The Greater Letaba Municipality also strives to be accessible by *inter alia* providing information.

The purpose of the manual is:

- To assist in fostering a culture of transparency and accountability.
- To enable people to exercise their rights in terms of the applicable legislation; and
- To create an understanding of the functions performed and records and/or personal information kept and/or processed by the Greater Letaba Municipality.

## **2. Purpose and scope of PAIA**

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

**In accordance with the relevant legislation, this Manual contains the following information:**

- A description of the Municipality's structure and functions.
- The postal and street address, phone number, fax number and electronic mail address of the Information Officer as well as of the Deputy Information Officer designated.
- A description of the Guide compiled by the South African Human Right Commission and how to access it;
- Sufficient detail to facilitate a request for access to a record of the Municipality.
- A description of the subjects on which the Municipality holds records and the categories of records held on each subject.
- Categories of records of the Municipality which are available without a person having to request access.
- A description of the services available to members of the public from the Municipality and how to gain access to those services.
- A description of any arrangement or provision for a person by consultation, making representations or otherwise, to participate in or influence the formulation of policy.
- The exercise of powers or performance of duties by the Municipality.
- A description of all remedies available in respect of an act or a failure to act by the Municipality.
  - List of personal information kept and the collection thereof.
  - Utilisation of personal information and reasons for keeping personal information.
  - Sharing, safeguarding and retention of personal information.
  - Data subjects right to access & maintenance personal information; and
  - Such other information as may be prescribed.

## **3. Description of the Structure & Functions Structure**

The Greater Letaba Municipality was established by the relevant Establishment Notice, issued by the MEC (Minister) of Local Government of the Limpopo Province, in terms of section 12 of the Local Government: Municipal Structures Act, 1998.

Greater Letaba Municipality was established vide Provincial Notice 504 on 22 September 2000 (Principal Notice). The original Establishment Notice was amended on various occasions since 2000. The Consolidated Establish Notice was updated on 25 February 2011 as well as the sixth Amendment per Notice 127 dated 8 April 2016 where Section 8 of the Principal Notice was amended.

Greater Letaba Municipality is a "mayoral executive system combined with a ward participatory system type of municipality. In terms of the Limpopo

Determination of types of Municipalities Act, 2000, as amended in 2002, the following are defined:

**"Mayoral executive system"** means a system of local government, which allows for the exercise of executive authority through an executive mayor in whom the executive leadership of the municipality is vested and who is assisted by a mayoral committee.

**"Ward participatory system"** means a system of local government, which allows for matters of local concern to wards to be dealt with by committees established for wards.

The municipality comprises its administration and the Council consists of 60 Councilors of both elected (30 ward representatives) and proportional councilors) representation. The party representation is set out below:

African National Congress  
Democratic Alliance  
EFF  
Congress of the People  
Unity Congress  
African Christian Democratic Party

The Municipality has an executive Mayor and a Speaker who is also the Chairperson of the Municipal Council. The day-to-day functioning and decision making of the municipality takes place through its Municipal Manager, as head of the administration. Greater Letaba Municipality has the following portfolio committees, established in terms of section 80 of the Local Government: Municipal Systems Act, Act 117 of 1998:

- Corporate and shared committee
- Community Services Committee
- Infrastructure Services Committee
- Financial Committee
- Planning & Development Committee
- Integrated Human Settlements Committee

## Functions

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

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

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

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

Water Services Act	Act 108 of 1997
National Water Act	Act 36 of 1998
Electoral Act	Act 73 of 1998
Promotion of Local Government Affairs Act	Act 91 of 1983
Electricity Act	Act 41 of 1987
Promotion of Access to Information Act	Act 2 of 2000
Promotion of Administrative Justice Act	Act 3 of 2000
National Health Act	Act 61 of 2003
Occupational Health & Safety Act	Act 85 of 1993
Labour Relations Act	Act 66 of 1995
Basic Conditions of Employment Act	Act 75 of 1997
Employment Equity Act	Act 55 of 1998
Skills Development Act	Act 97 of 1998
Unemployment Insurance Act	Act 63 of 2001
Pension Funds Act	Act 24 of 1956
The Removal of Restrictions Act	Act 84 of 1967
Expropriation Act	Act 63 of 1975
Arbitration Act	Act 42 of 1965
Public Audit Act	Act 25 of 2004
National Road Traffic Act	Act 93 of 1996
Housing Act	Act 107 of 1997
Prevention of Illegal Eviction from and Unlawful Occupation of Act 19 of 1998 Land Act	

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

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

In terms of the aforesaid statutes the powers and functions of Greater Letaba Municipality includes, *inter alia*:

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

**4. Contact details of Greater Letaba Municipality****Physical Address:**

44 Botha Street  
Modjadjiskloof  
0835

**Postal Address:**

PO Box 36  
Modjadjiskloof  
0835

**Telephone Number:** 015 309 9246/7/8

**Website Address:** [www.greaterletaba.gov.za](http://www.greaterletaba.gov.za)

**Email Address:** [info@glm.gov.za](mailto:info@glm.gov.za)

**5. Contact Details of Information Officer & Deputy Information Officer****INFORMATION OFFICER:**

Name & Designation: Sewape M O  
Municipal Manager

Postal Address: PO Box 36, Modjadjiskloof, 0835

Physical Address: 44 Botha Street, Modjadjiskloof,  
0835

Telephone Number: 015 309 9246/7/8

Email address: [Obed Sewape obed@glm.gov.za](mailto:Obed Sewape obed@glm.gov.za)

**DEPUTY INFORMATION OFFICER**

Name & Designation: Matome Peter Lekhota  
Senior Manager Corporate Services

Postal Address: PO Box 36, modjadjiskloof, 0835,

Physical Address: Botha str 44, Modjadjiskloof, 0835

Telephone Number: 015 309 9246/7/8

Email address: [MatomePL@glm.gov.za](mailto:MatomePL@glm.gov.za)

**6. The Human Rights Commission & the Information Regulator**

Previously the Human Rights Commission was responsible for certain functions as provided for in PAIA. As of 30 June 2021, the Information Regulator will be taking over the regulatory mandate functions relating to PAIA. This follows a proclamation, by the President, of sections 110 and 114(4) of POPIA, which provided for the amendment of PAIA and the effective transfer of certain functions currently performed by the South African Human Rights Commission to the Information Regulator on 30 June 2021.

Chapter 5 of POPIA deals with the establishment of the Information Regulator and section 40 outlines the powers, duties, and functions of the Regulator, which *inter alia* includes:

- handling of complaints.
- issuing of codes of conduct.
- consultations with interested parties; and
- the monitoring and enforcement of compliance with POPIA.

## 7. Description of subjects & categories of records held.

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

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

## 8. Records held & access to records held.

The method of managing records in the municipality is in accordance with provincial archive requirements. It should be noted that inclusion in the following list of records does not mean that the files or records are necessarily accessible under PAIA. The latter legislation prohibits a public body from allowing access, and/or allows the public body to refuse access, to certain types of information. Chapter 4 of PAIA deals with the grounds for refusal of access to records.

**Information to be formally requested in terms of PAIA includes *inter alia*:**

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

## 9. Voluntary Disclosure and Automatic Availability of Certain Records (Section 15)

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

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

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

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

#### **10. Request for Access (Section 11) Access given**

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

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

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

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

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

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

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

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

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

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

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

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

- The reasons for the contemplated refusal and that the Information Officer/Deputy Information Officer, or another official, would assist that requester in order to make the

request in a form that would remove the grounds for refusal, giving the requester a reasonable opportunity to seek such assistance as far as reasonably possible, furnished the requester with any information that would assist the making of the request in that form; and given the requester a reasonable opportunity to confirm the request or alter it to comply with section 18(1) of PAIA.

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

If a request for access is made for information which is not in the possession of the municipality, or if the information is more closely connected to another public body, the Information Officer/Deputy Information Officer will assist the requester to make the request to the relevant Information Officer of the other body, or transfer the request to the other body within 14 (fourteen) days after the request has been received.

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

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

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

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

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

### **Records not found/non-existing (Section 23)**

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

### **Deferral of Access (Section 24)**

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

### **Decisions and Notice (Section 25)**

The municipality will respond to the request within 30 (thirty) calendar days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessitated. Where an extension of the 30-day time limit is required, the requester shall be notified accordingly, together with an explanation why such extension was necessitated. The time limit may be extended only once, for a further period of 30 days (Section 26).

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

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

### **Language of Access (Section 31)**

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

## **11. Refusal of Access to Certain Records**

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

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

### **Greater Letaba Municipality may refuse to grant access to records on the following grounds:**

- Mandatory protection of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:

Trade secrets of that third party.

Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

Information disclosed in confidence by a third party to Greater Letaba Municipality if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals, and protection of property.
- Mandatory protection of records which would be regarded as privileged in legal proceedings.
- The commercial activities of Greater Letaba Municipality, which may include:

trade secrets of Greater Letaba Municipality.

Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Greater Letaba Municipality; Information which, if disclosed could put Greater Letaba Municipality at a disadvantage in negotiations or commercial competition.

A computer programmer which is owned by Greater Letaba Municipality, and which is protected by copyright.

The research information of Greater Letaba Municipality or a third party, if its disclosure would disclose the identity of Greater Letaba Municipality, the research or the subject matter of the research and would place the research at a serious disadvantage.

- Request for information that is clearly frivolous, or vexatious, or which involves an unreasonable diversion of resources in terms of section 45 of the P A I A .

### **Third Party Notification and Intervention (Chapter 5)**

#### **Notice to third parties (Section 47)**

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

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

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

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

## **12. Internal Appeals against decisions of Information Officers (Part 4 of PAIA)**

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

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

- A request for access is refused.
- The fees charged are unacceptable.
- The period within which a decision with regard to access to a record must be made is extended.
- Access to a record is not provided in the requested form; and
- A third party may lodge an internal appeal with the municipality against a decision by the Information Officer, Deputy Information Officer to disclose information relating to a third party.

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

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

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

### **The internal appeal**

An internal appeal must:

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

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

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

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

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

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

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

### **Applications to Court (Part 4, Chapter 2 of PAIA)**

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

- Aggrieved by the decision of the Information Officer or Deputy Information Officer to disallow the late lodging of an internal appeal.

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

### **13. Arrangement allowing for public participation (Section 14(1)(G))**

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

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

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

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

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

### **Other Information as prescribed in terms of Section 14(1) (I) - PAIA**

There is currently no information available from the Minister of Justice and Constitutional Development, in terms of Section 92, to be placed hereunder.

**Protection of Personal Information Act - No 4 of 2013****14. Definitions**

For purposes of this manual, unless the context indicates otherwise-

**"Consent"** means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.

**"Data subject"** means the person to whom personal information relates.

**"Information Officer"** of, or in relation to, a -

- (a) public body means an information officer of deputy information officer as contemplated in terms of section 1 or 17; or
- (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act.

**"Personal information"** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- (a) information relating to race, gender, sex, 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.
- (b) information relating to the education or the medical, financial, criminal, or employment history of the person.
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person.
- (d) the biometric information of the person.
- (e) the personal opinions, views or preferences of the person;
- (f) 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.
- (g) the views or opinions of another individual about the person; and
- (h) 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.

**"Processing"** means any operation of activity or any set of operations, whether or by automatic means, concerning personal information, including-

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use.
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure, or destruction of information.

**"Public record"** means a record that is accessible in the public domain, and which is in the possession of or under the control of a public body, whether or not it was created by that public body;

**"Responsible party"** means a public or private body or any other person which, alone or in conjunction with other, determines the purpose of and means for processing personal information.

## 15. List of personal information kept

The municipality collects personal information for various reasons in order to fulfil its mandate as a government institution in terms of the Constitution of the Republic of South Africa. The residents expecting essential and other services from the municipality are obliged to share their personal information with the municipality as the withholding and/or refusal of personal information may impact on the municipality's ability to render effective and sufficient services.

Employees are also obliged to share their personal information with the municipality as it is needed for human resource management.

Depending on the nature of the services required, the relationship between the individual and the municipality and the reasons why certain information is required, personal information that may be obtained includes but is not limited to:

- a) qualifications;
- b) contact details.
- c) remuneration details.
- d) forenames and last names.
- e) identification or passport number.
- f) biometric and geographic information.
- g) demographic information such as age, gender, physical and postal address;
- h) medical information.
- i) declaration of interest.
- j) next of kin information.
- k) bidder's information etc.;
- l) employment information.
- m) ownership or rental information.
- n) vehicle details i.e. vehicle number plate.

## 16. Collection of personal information

The municipality collects information to support its service delivery mandate. Personal information is collected directly from data subjects where practical and should be in compliance with POPIA.

Personal information may be collected through a variety of channels and may include the following:

- surveys.
- websites.
- building control.
- application forms.
- tender and contracts
- social media platforms.
- town planning compliance.
- responding to questionnaires;

- through third party service providers.
- through surveillance cameras (with facial recognition technology);

#### **17. Reasons for keeping personal information.**

The municipality may collect and process personal information for the following reasons:

- disclosures.
- audit reports.
- debt recovery.
- rendering accounts
- registering of services.
- reports to council on bad debt.
- closing agreements and contracts.
- security background checks (vetting)
- community consultation and feedback.
- process benefits i.e. medical aid and pension
- respond to inquiries, complaints and requests.
- considering bids in terms of tenders and quotations.
- communication; sending and sharing of important information.
- employment and remuneration and other Human Resources needs.
- maintaining data base for essential services, indigent support, housing; and
- understanding the needs and priorities of the community and others take holders.

#### **18. Utilisation of personal information**

The municipality will use personal information only for the intended purposes it was collected for unless the data subject grants consent for additional uses.

#### **19. Sharing of personal information**

As a principle, the municipality shall only share personal information if the municipality has obtained consent from the data subject.

Personal information may be shared with the indicated stakeholders and in the manner as follows:

- SARS.
- medical aids, pension funds.
- financial institutions for payments.
- financial institutions for remuneration purposes.
- where necessary to comply with judicial proceedings and court orders.
- where consent in writing has been contained from the data subject for sharing.
- business partners, vendors, or contractors to provide requested services or facilitate transactions.
- in response to a request for information by a legitimate authority in accordance with, or required by any applicable law, regulation, or legal process.

- to protect the rights, property, or safety of the municipality or others, or as otherwise required by an applicable law; and

## 20. Safeguarding of personal information

- a. The municipality is committed to protect personal information from misuse, loss, theft, unauthorized access, modification, or disclosure by:
  - i. using electronic and physical defenses; and
  - ii. contractually requiring that third parties to whom personal information is disclosed do the same.
- b) Due to the insecurity and security breaches of online channels, the municipality cannot fully guarantee the security or interception from external sources of any personal information that are being submitted or posted online.
- c) The municipality has robust security controls and further threat detection solutions in place.

## 21. Retention of personal information

- a. The municipality shall retain personal information for as long as it is necessary to fulfil the purposes for which it was collected and to comply with any legislative and or archive requirements where after it shall be deleted/disposed of. Depending on the purpose, retention periods shall vary.
- b) The following criteria will determine retention periods:
  - i. legal or contractual, or other obligations to retain personal data.
  - ii. data necessary for or as part of an investigation or for litigation purposes.
  - iii. in order to maintain accurate records, in line with relevant legislation.

## 22. Data subjects right to access & maintenance personal information.

- a) The data subject may request the municipality to access, correct, update, block, or delete personal information that the municipality holds, subject to legislative requirements that make it compulsory for the municipality to keep such personal information.
- b) The Information Officer will acknowledge receipt of any such request within three (3) days of the date of submission.
- c) Any such requests will be dealt with by the Information Officer who shall respond within a reasonable period and no later than thirty (30) days of the date of the request.
- d) Where the municipality processes legally obtained personal information, the data subject may withdraw consent at any time for future processing.
- e) The data subject may request access to, and correction of personal data which is held by the municipality at any time by submitting a written request to the designated Information Officer.
- f) The data subject may object to the processing of personal data at any time.
- g) On any suspicion that personal information has been unlawfully processed and rights relating to protection of your personal information were violated or that personal

information has been compromised, the data subject shall contact the Information Officer and if not satisfied, may lodge a complaint with the Information Regulator.

- h) In the event of an information breach that the municipality becomes aware of, the municipality shall notify the data subject.
- i) The data subject may request the municipality to access, correct, update, block, or delete personal information that the municipality holds, subject to legislative requirements that make it compulsory for the municipality to keep such personal information.
- j) The Information Officer will acknowledge receipt of any such request within three (3) days of the date of submission.
- k) Any such requests will be dealt with by the Information Officer who shall respond within a reasonable period and no later than thirty (30) days from the date of the request.
- l) Where the municipality processes legally obtained personal information, the data subject may withdraw consent at any time for future processing.
- m) The data subject may request access to, and correction of personal data which is held by the municipality at any time by submitting a written request to the designated Information Officer.
- n) The data subject may object to the processing of personal data at any time.
- o) On any suspicion that personal information has been unlawfully processed and rights relating to protection of your personal information were violated or that personal information has been compromised, the data subject shall contact the Information Officer and if not satisfied, may lodge a complaint with the Information Regulator.
- p) In the event of an information breach that the municipality becomes aware of, the municipality shall notify the data subject.

### **23. Objection to processing of personal information**

A data subject who wishes to object to the processing of personal information in terms of section 11 (3)(a) of POPIA, must submit the objection to the responsible party on **Form 1**, as enclosed with this Manual. The responsible party/ the municipality, must render such reasonable assistance as is necessary, free of charge, to enable the data subject to make an objection on **Form 1**.

### **24. Request for correction/deletion of personal information or destruction/deletion of record of personal information.**

A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information in terms of section 24(1) of POPIA, must submit a request to the municipality on **Form 2**.

The municipality, or a designated person, must render such reasonable assistance, as necessary free of charge, to enable a data subject to complete **Form 2**.

### **! 25. Application for issuing code of conduct**

A private or public body which is sufficiently representative of any class of bodies, or of any industry, profession, or vocation that wishes to apply for the issuing of a code of conduct in terms of section 61 of POPIA, must submit an application to the Regulator on **Form 3**.

**26. Request for data subject's consent to process personal information.**

A responsible party who wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must in terms of section 69(2) of POPIA, submit a request for written consent to that data subject on **Form 4**.

**27. Submission of complaints**

Any person who wishes to submit a complaint contemplated in section 74(1) of POPIA, must submit such a complaint to the Regulator on **Part 1 of Form 5**.

A responsible party, like the municipality, who wishes to submit a complaint, must submit such a complaint to the Regulator on **Part II of Form 5**

## ANNEXURE "A"

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

(These records are available subject to a person having to request access in terms of the Act and subject to such information not being excluded from disclosure in terms of the Act)

#### Infrastructure

Electricity distribution layouts  
Geographical information systems  
Landfill sites - future and existing  
Road maps and plans for future road developments

#### Financial Information

Tariffs  
Subsidy income  
Estimates  
VAT records  
voices and supporting documentation.  
bank statements and records of investments held (if any)  
Pension Funds: annual reports and financial statements  
Debtors' statements and financial history.  
Council bank reconciliations  
Details of payments made to creditors  
Rentals levied and arrears in situation  
allowance details.

#### Human Resource Records

UIF records  
Leave records.  
Human resource policies and procedures  
Salary and remuneration package details  
medical records of patients, i.e. employees  
Health: training, promotion and education Staff  
vacancies, circulars, and advertisements

#### Operational Statistics and Records

Strategic information  
Town planning statistical information Electricity  
disconnection/reconnection statistics  
Strategic plans and statistical information relating to:

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

#### Property matters

Building plans  
Valuation rolls  
Geographical information  
Title deeds of municipal properties  
Town planning enforcement records  
Information on Council-owned land  
Title deeds of municipal properties  
Property holdings of the municipality  
Applications to lease or purchase property Town  
planning applications and consents Lease  
agreements for properties rented by the  
municipality (if any)  
Lease agreements for properties rented to the  
municipality (if any)  
Agreements of properties alienated by the  
Municipality.  
Sale agreements of properties acquired by the  
Municipality.  
Applications of property for municipal usage,  
including expropriations  
Allocations of social sites to  
religious/institutional organizations  
Information on sale of commercial/non-  
commercial property within the municipal area  
Property holdings within the municipal area

#### General statistics, surveys and audits

Environmental impact assessments  
Demographic data  
Social information  
Economic information of the region  
Accident records.  
Accident statistics and reports  
Major hazard installation and risk assessments  
Diseases  
Details of current housing - owners/tenants  
Occupational Health and Safety Audit of  
municipal buildings  
Fire risk survey of municipal buildings  
Occupational hygiene on municipal properties  
Records of investigations conducted and their  
outcomes.  
Water quality  
Audit reports i.e. forensic, computer and risk  
audit.

#### **Municipal Plans and Policy Decisions**

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

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

**Procurement Records**

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

**Motor vehicle testing and license records.**

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

**Municipal Services and Customer Records**

Library membership details  
Customers' application, registration, and consumption details

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

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

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

These records can be accessed in the following manner:

- e-mail.
- fax.
- letter.

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

- The Occupational Health and Safety Act No. 85 of 1993.
- The Value-Added Tax Act No. 89 of 1991.
- Income Tax Act No. 58 of 1962.
- Basic Conditions of Employment Act No. 75 of 1997.
- Employment Equity Act No. 55 of 1998.
- Labour Relations Act No. 66 of 1995.
- The Medical Schemes Act No. 131 of 1998.
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- The Health Act No. 63 of 1977.
- Consumer Affairs (Unfair business practices Act), 71 of 1988.
- Customs and Excise Amendment Act, 45 of 1995.
- South African Revenue Services Act, 34 of 1997.
- The Constitution of the Republic of South Africa No. 108 of 1996.
- Environmental Conservation Act 107 of 1998.
- Northern Cape Development and Planning Act No 7 of 1998.
- Regional Services Council Act, No 109 of 1985.
- Division of Revenue Act, No 7 of 2003.
- Statistics Act, No 6 of 1999.
- Local Government: Municipal Demarcation Act, No 27 of 1998.
- Local Government: Municipal Structures Act, No 117 of 1998.
- Local Government: Municipal Systems Act, No 32 of 2000.
- National Water Act, No 36 of 1998.
- Electricity Act, No 41 of 1987.

Notification of the availability of records that can be accessed without a request, and records that are available in terms of the Acts listed above, is periodically (i.e. at least once annually) given to the Cabinet Minister of Justice.

[ ANNEXURE "C" - PRESCRIBED FORM A

STANDARD FORM TO BE COMPLETED  
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**



**GREATER LETABA  
MUNICIPALITY**

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

**FOR DEPARTMENTAL USE**

Reference Number: .....

Request received by ..... (state rank, name and surname of IO/ DI) on  
..... (date) at ..... (place)

Access fee : \_\_\_\_\_  
Deposit (if any) : \_\_\_\_\_  
Request fee (if any): \_\_\_\_\_

**SIGNATURE OF IO/ DIO**

**A. Particulars of public body**

The Information Officer/ Deputy Information Officer:

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**B. Particulars of person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

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

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

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

---

---

**C. Particulars of person on whose behalf request is made**

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

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

**D. Particulars of Record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue a separate folio and attach it to this form. The requester must sign all the additional folios.

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

---

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2. Reference number, if available: .....

3. Any further particulars of record: .....

**E. FEES**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request 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:

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---

**F. Form of access to record**

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

Disability: .....	Form in which record is required: .....
.....	.....
.....	.....
.....	.....

Mark the appropriate box with an "X".

**NOTES:**

- (a) Your indication as to the required form of access depends on the form in which the record is 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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form -

copy of record	inspection of record
----------------	----------------------

2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images	Copy of the images	Transcription of the images.
-----------------	--------------------	------------------------------

3. If the record consists of recorded words or information which can be reproduced in sound.

Listen to the soundtrack (audio cassette)	Transcription of soundtrack (written or printed document)
--	--

4. If record is held on computer or in an electronic or machine-readable form

Printed copy of record	Printed copy of information derived from the record	Copy in computer readable form (USB or compact disc)
------------------------	---	--

\* If requested a copy or transcription or a record (above), do you wish the copy or transcription to be posted to you?      **YES**                      **NO**

**A postal fee is payable.**

*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 or denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?

SIGNED AT ..... THIS ..... DAY OF ..... 20 .....

**Signature of requester / person on whose behalf request is made.**

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

The Act provides for two types of fees:

- a) a request fee, which is a standard fee; and
  - b) an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost as well as postal costs.
1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

The request fee payable by every requester/applicant, other than a personal requester, referred to in regulation 7(2) is R **35.00**.

**The fees for reproduction referred to in Regulation 7(1) of the PAIA Regulations are as follows:**

- |   |               |
|---|---------------|
| 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 a -  |               |
| i) floppy drive   | <b>R5, 00</b> |
| ii) compact disk  | 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   | R60,00        |
| 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       |

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

- |   |               |
|---|---------------|
| a. For every photocopy of an A4-size page or part thereof   | R 0. 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 a -  |               |
| iii) floppy drive   | <b>R5, 00</b> |
| iv) compact disk  | R40, 00       |
| d. i) For a transcription of visual images, for an A4-size page or part thereof   | R22,00        |
| iii) For a copy of visual images  | R60,00        |
| e. i) For a transcription of an audio record, for an A4-size page or part thereof   | R12,00        |
| iii) For a copy of an audio record  | R17, 00       |

- f. To search for and prepare the record for disclosure, R 15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
2. For purposes of section 22(2) of PAIA, the following applies -
    - a. Six hours as the hours to be exceeded before a deposit is payable; and
    - b. One third of the access fee is payable as a deposit by the requester .
  3. The actual postage is payable when a copy of a record must be posted by the requester.
    - The Information Officer or his or her Deputy may also wish to charge the requester Access Fees for any time reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure.
    - The Information officer or his or her deputy may withhold a record until the requester has paid the required Request and/or Access fees .
    - if the search and preparation for the record(s) concerned would, in the opinion of the Information Officer or the Deputy Information Officer, require more than the hours prescribed for this purpose, the Information Officer or his or her Deputy by way of notice must ask the requester to deposit the prescribed portion (no more than 1/3) of the Access Fee which would be payable if the request is granted.
    - This money must be refunded to the Requester if the PAIA request is refused.
    - The actual postal fee is payable when a copy of a record must be posted to a requester.

NB: Fees are subject to change by way of official Government Notice issued in the Government Gazette.

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

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

**GOVERNMENT NOTICE**

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R.991

14 OCTOBER 2005

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

- a) exempt the following person from paying the access fee contemplated in section 22(6) of the Act
  - i) a single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R 14 714.00 per annum; and
  - ii) married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R 27 132.00 per annum and
- b) determined that:

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

### SCHEDULE

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

B.S.MABANDLA, MP  
Minister for Justice and Constitutional Development

## I ANNEXURE "F" • REFUSAL OF CERTAIN RECORDS

### RECORDS THAT MAY BE REFUSED ACCESS TO

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

#### Access must be refused in the following circumstances:

- Protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of a third party;
- Disclosure of the information about a third party, supplied in confidence, will put third Party at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- If disclosure would result in a breach of a duty of confidence owed to a third party's terms of an agreement;
  - If disclosure would jeopardize the safety or life of an individual;
  - If access to the record is prohibited in terms of Section 60(14) of the Criminal Procedure Act No. 51 of 1977;

- The record is privileged from production in legal proceedings unless the privilege has been waived;
- Records containing information about research being carried out or about to be carried out on behalf of a third party and the disclosure is likely to expose the third party, a person that will be carrying on the research on behalf of the third party, or the subject matter of the research, to serious disadvantage.

**Access may be refused in the following circumstances:**

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

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



**GREATER LETABA MUNICIPALITY**

**FORM B**

**NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion to Access to information Act, 2000 [Act No. 2 of 2000])  
[Regulation 8]

STATE YOUR REFERENCE NUMBER. ....

**A. Particulars of public body**

The Information Officer/deputy Information Officer:

Mr Sewape M O  
Information Officer Greater Letaba Municipality  
PO Box36  
Modjadjiskloof  
0835

Tel. No.: 015 309 9246/7/8  
Email: [info@glm.gov.za](mailto:info@glm.gov.za)

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

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

Full names and surname: .....

Identity Number: .....

Postal Address: .....

Telephone Number: .....

Email Address: .....

Capacity in which an internal appeal on behalf of another person is lodged:

**C. Particulars of requester**

This section must be completed ONLY if a third party (another than the requester lodges the internal a real

Full names and surname: .....  
Identity Number: .....

**D. The decision against which the internal appeal is lodged**

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

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

**E. Grounds for appeal**

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

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

**F. Notice of decision on appeal**

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

State the manner:  
Particulars of manner:

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

**SIGNATURE OF APPELLANT**

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received on ..... (Date)  
By .....(State rank, name and surname ad 10/DIO)

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 appeal authority,

**OUTCOME OF APPEAL:** .....

**DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER  
CONFIRMED/NEW DECISIONS SUBSTITUTED**

NEW DECISION: .....

DATE: .....

RELEVANT APPEAL AUTHORITY: .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE  
RELEVANT AUTHORITY ON ..... (Date)

**FORM 1**  
**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/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code /
Contact number(s):	
Fax number/ E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code {
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)


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

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

**FORM2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR  
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION INTERMS 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.

**A****DETAILS OF THE DATA SUBJECT**

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

**B****DETAILS OF Responsible PARTY**

Name(s) and surname/  
registered name of  
responsible party:

Residential, postal or  
business address:

Code (     )

Contact number(s):

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	<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 AUTHORIZED TO RETAIN.</b></p> <p><i>(Please provide detailed reasons for the request)</i></p>

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

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

## FORM3

**APPLICATION FOR THE ISSUE OF A CODE OF CONDUCT INTERMS OF SECTION 61(1)(b)  
OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF  
2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 5]**

A	DETAILS OF PRIVATE OR PUBLIC BODY
Name of the body:	
Private / Public body	

List the class of body or any industry size, profession, or vocation, you represent: *(Attach proof of representation)*

Total number of members of industry, or any class of bodies, profession or vocation:

Proportion of representation (expressed as a percentage) in the industry, class of bodies, profession or vocation *(Attach proof of representation)*: Business address:

Contact number(s):

Code (    )

Fax number/ E-mail address: \_\_\_\_\_

**B****DETAILS OF PERSON WHO COMPLETES THIS FORM**

Name(s) and surname of person completing this form:  
Capacity in body:



**FORM4**

**APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING INTERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 6]

TO: \_\_\_\_\_

*(Name of data subject)*

FROM: \_\_\_\_\_

Contact number(s): \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

*(Name, address and contact details of responsible party)*

Full names and designation of person signing on behalf of responsible party:

*Signature of designated person*

Date: \_\_\_\_\_

**PART B**

I, \_\_\_\_\_ *(full names of data subject)* hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

**SPECIFY GOODS or SERVICES:**

**SPECIFY METHOD OF COMMUNICATION: FAX:**

E-MAIL:

SMS:

OTHERS - SPECIFY:

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

.....  
*Signature of data subject*

**FORMS**

**COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 {ACT NO. 4 OF 2013}**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 7]**

*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".

**Complaint regarding:**

Alleged interference with the protection of personal information

Determination of an adjudicator.

**PART I**

**ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION INTERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)**

**PARTICULARS OF COMPLAINANT**

<p style="text-align: center;">A</p> <p>Name(s) and surname / registered name of data subject:</p> <p>Unique Identifier/Identity Number:</p> <p>Residential, postal or business address:</p> <p>Contact number(s):</p> <p>Fax number/ E-mail address:</p>	<div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div> <div style="border-bottom: 1px solid black; height: 20px;"></div>
---	---

Code | |



Name(s) and surname of responsible party. /Registered name:	
Residential, postal, or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the grievance)</i>

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

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