



SEDIBENG DISTRICT MUNICIPALITY

MANUAL ON THE FUNCTIONS OF THE SEDIBENG DISTRICT MUNICIPALITY AND INDEX OF THE RECORDS HELD BY THE MUNICIPALITY IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

1. GENERAL

Section 14 of the Act reads as follows:

(1)

Within six months after the commencement of this section or the coming into existence of a public body, the information officer of the public body concerned must compile in at least three official languages a manual containing -

- (a) a description of its structure and functions;
- (b) the postal and street address, phone and fax number and, if available, electronic mail address of the information officer of the body and of every deputy information officer of the body designated in terms of Section 17(1);
- (c) a description of the guide referred to in Section 10, if available, and how to obtain access to it;
- (d) sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;
- (e) the latest notice, in terms of Section 15(2), if any, regarding the categories of records of the body which are available without a person having to request access in terms of this Act;
- (f) a description of the services available to members of the public from the body and how to gain access to those services;

- (g) a description of any arrangement or provision for a person (other than a public body referred to in paragraph (a) or (b)(i) of the definition of 'public body' in Section 1) by consultation, making representations or otherwise, to participate in or influence—
 - (i) the formulation of policy; or
 - (ii) the exercise of powers or performance of duties, by the body;
- (h) a description of all remedies available in respect of an act or a failure to act by the body; and
- (i) such other information as may be prescribed.

(2) A public body must, if necessary, update and publish its manual referred to in subsection (1) at intervals of not more than one year.

(3) Each manual must be made available as prescribed.

(4) (a) If the functions of two or more public bodies are closely connected, the Minister may on request or of his or her own accord determine that the two or more bodies compile one manual only.

(b) The public bodies in question must share the cost of the compilation and making available of such manual as the Minister determines.

(5) For security, administrative or financial reasons, the Minister may, on request or of his or her own accord by notice in the *Gazette*, exempt any public body or category of public bodies from any provision of this section for such period as the Minister thinks fit.

2. STRUCTURAL DESCRIPTION AND FUNCTIONS OF THE SEDIBENG DISTRICT MUNICIPALITY

2.1 Functions in terms of the Constitution

Section 152

- (1) The objects of local government are—
 - (a) to provide democratic and accountable government for local communities;
 - (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment; and
 - (e) to encourage the involvement of communities and community organisations in the matters of local government.
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

Section 153 : Developmental duties of municipalities.

A municipality must —

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes.

Section 156 : Powers and functions of municipalities.—

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

Section 229 : Municipal fiscal powers and functions.—

- (1) Subject to subsections (2), (3) and (4), a municipality may impose —
 - (a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - (b) if authorized by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls, but no municipality may impose income tax, value-added tax, general sales tax or customs duty.
- (2) The power of a municipality to impose rates on property, surcharges on fees for services provided by or on behalf of the municipality, or other taxes, levies or duties —

- (a) may not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities across municipal boundaries, or the national mobility of goods, services, capital or labour; and
 - (b) may be regulated by national legislation.
- (3) When two municipalities have the same fiscal powers and functions with regard to the same area, an appropriate division of those powers and functions must be made in terms of national legislation. The division may be made only after taking into account at least the following criteria:
- (a) The need to comply with sound principles of taxation.
 - (b) The powers and functions performed by each municipality.
 - (c) The fiscal capacity of each municipality.
 - (d) The effectiveness and efficiency of raising taxes, levies and duties.
 - (e) Equity.
- (4) Nothing in this section precludes the sharing of revenue raised in terms of this section between municipalities that have fiscal power and functions in the same area.
- (5) National legislation envisaged in this section may be enacted only after organized local government and the Financial and Fiscal Commission have been consulted, and any recommendations of the Commission have been considered.

2.2 STRUCTURE AND COMPOSITION

Sedibeng District Municipality is a District Municipality which came into being in terms of the Municipal Structure's Act as amended. The District Municipality DC4 is situated in the southern-most part of the Gauteng Province, and includes the historic towns of Sharpeville and Vereeniging.

The geographical area of the municipality is 4200.3286 square kilometres.

Sedibeng District Municipality previously known as Lekoa Vaal Metropolitan Council, found its name from the Vaal River, which is called the Lekoa river in seSotho. The Sedibeng District Municipality was established in the year 2000 on the rich history of Evaton, Heidelberg, Sharpeville, Boipatong, Sebokeng, Vereeniging, Vanderbijlpark, Vaal Oewers, Vaal Marina, Suikerbosrand and many more interesting sites.

LOCAL MUNICIPALITIES

There are three local municipalities within the District, to wit:

- ⇒ Emfuleni Local Municipality,
- ⇒ Lesedi Local Municipality ;
- ⇒ Midvaal Local Municipality.

EMFULENI consists of 43 Wards.

LESEDI consists of 11 Wards.

MIDVAAL consists of 9 Wards.

Overall, the Sedibeng District consists of 63 Wards.

The Sedibeng District Municipality is a category **C** municipality and is therefore expected to deliver certain services, to not only communities, but local municipalities as well.

These include:

- ⇒ Fresh Produce Market
- ⇒ Health Services
- ⇒ Primary Health Care
- ⇒ Roads
- ⇒ Transport
- ⇒ Fire and Rescue
- ⇒ Licensing
- ⇒ Disaster Management

CLUSTERS

Sedibeng District Municipality is divided into (five) 5 Clusters.

- Corporate Services (CorpServ);
- Community Services (CS);
- Strategic Planning and Economic Development (SPED);
- Transport, infrastructure and Environment (TIE); and
- Treasury (T).

DEPARTMENTS

Each Cluster has the following Departments:

Corporate Services (CorpServ)

- Legal and Support Services
- Information Management
- Human Resources
- Facilities Management
- Utilities Management

Community Services (CS)

- Health and Social Development
- Community Safety
- Emergency Medical Services
- Sports, Recreation, Arts, Culture and Heritage
- Disaster Management
- Hiv & Aids

Strategic Planning, Economic Development, (SPED)

- Development Planning(
- Economic Development and IDP
- Housing
- Communications
- Knowledge Management

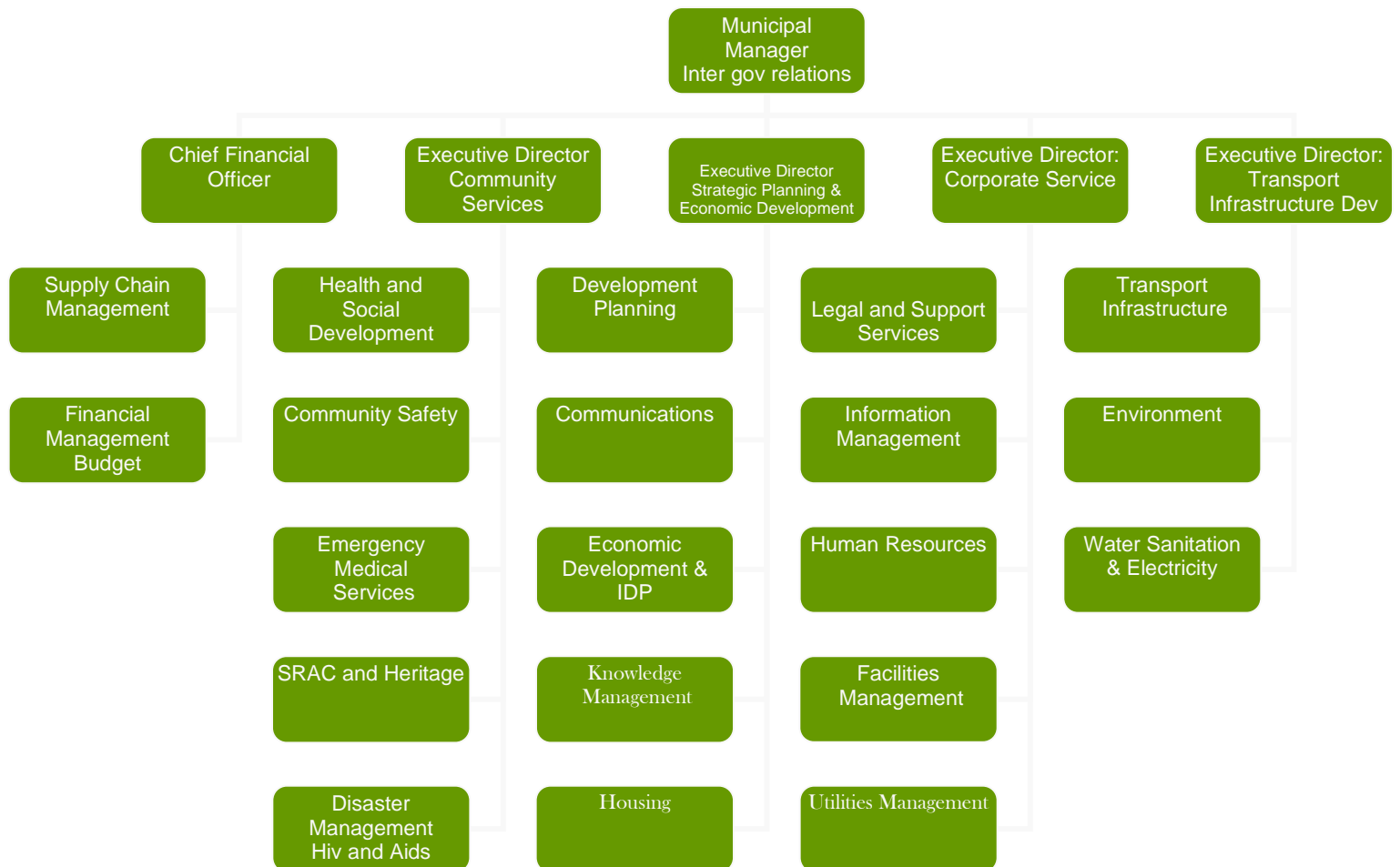
Transport and Infrastructure Environment (TIE)

- Transport and Infrastructure Planning
- Registration and licensing
- Environment

Treasury

- **Financial Management and Budgets**
- **Supply Chain Management**

ORGANISATIONAL STRUCTURE OF THE MUNICIPALITY



FUNCTIONS OF SEDIBENG DISTRICT MUNICIPALITY

The primary function of Sedibeng District Municipality is service delivery to the communities falling within the District. Each cluster makes its contribution to this end in different ways

This makes the communities which Sedibeng District Municipality serves its primary stake-holders. Sedibeng District Municipality has drawn up and implemented a Strategic Plan, which lists:

- ⇒ Reinvent the economy
- ⇒ Renew our economy
- ⇒ Revive our environment
- ⇒ Reintegrate our region
- ⇒ Release human potential
- ⇒ Good and financially sustainable governance; and
- ⇒ Vibrant democracy.

among others, as the goals Sedibeng District Municipality seeks to achieve.

Apart from the community at large, different specific groups are also stakeholders, such as the business community in relation to economic development and tourism, the youth, women etc.

RECORDS HELD BY SEDIBENG DISTRICT MUNICIPALITY

These are as per the following main categories:-

- STRATEGIC PLAN
- LEGISLATION
- COUNCIL RESOLUTIONS
- STAFF RECORDS
- FINANCE RECORDS
- TENDERS, QUOTATIONS AND CONTRACTS
- AGENDAES
- LEGAL DOCUMENTS
- LICENCES AND PERMITS
- IDP DOCUMENT
- BY LAWS

2.3 CORE RESPONSIBILITIES OF THE DEPARTMENTS

2.3.1 Municipal Manager

The formulation, development and management of an economical, effective and accountable administration, in accordance with the Local Government: Municipal Structures Act, 1998 and other applicable legislation.

2.3.2 Transport and Infrastructure Environment

2.3.2.1 Water Supply

Purpose: To provide a cost effective water service and to maintain and develop infrastructure relating thereto.

2.3.2.2 Sewerage and Waste Water

Purpose: To provide a cost effective sewer and sanitation service and to maintain and develop the relevant infrastructure.

Purpose: To plan for effective and sustainable infrastructure for water and sanitation services and the provision of electricity.

2.3.2.3 Roads and Storm-water

Purpose: To provide a cost effective roads and storm-water services and to maintain and develop infrastructure to be used by the public.

Purpose: to plan and provide effective, efficient and sustainable road and storm water infrastructure.

2.3.2.4 Solid Waste

Purpose: To ensure the minimization of solid waste to provide cost effective solid waste dumping facilities.

2.3.2.5 Transport

Purpose: To provide safe, efficient, effective and integrated public transport system and facilities within the district.

2.3.2.6 Licensing

Purpose: To render an efficient vehicle registration and licensing service to the district.

2.3.2.7 Municipal Health Services

Purpose: To ensure a hygienic and pollution free environment

Purpose: To create a healthy environment through the rendering of municipal health services to the district as whole.

2.3.2.8 Environmental Management

Purpose: To build partnerships to ensure integrated environmental awareness, planning and management.

Purpose: To establish a safe environment where all people can develop to their full potential.

2.3.2.9 Air Quality Management

Purpose: To render a comprehensive air quality management service in the district.

2.3.3

Community Services

Health and social development

Purpose: ensure the provision of comprehensive, integrated, sustainable and high quality health and social development services to help reduce vulnerability and poverty, to create an enabling environment for sustainable development in partnership with those committed to building a caring society as well as promoting health and improving the quality of life.

2.3.3.1 Community Safety

To secure and sustain a safe and crime free environment for the community of Sedibeng by facilitating and coordinating efficient and effective public safety rendered to achieve a crime free society.

2.3.3.2 Emergency Medical Services

Purpose: To respond rapidly to requests for assistance in an emergency situation.

To provide specialized medical skills to maintain life and to reduce injuries in emergency situations while transporting patients.

Purpose: To provide specialized transport facilities to patients requiring emergency medical care.

Purpose: To foster public education in emergency medical education.

2.3.3.3 Heritage

Purpose: To primarily capture the nuance of historic cultural diversity and its impact on different cultural and heritage persuasions.

Purpose: To promote a proper understanding and the preservation of local/region history and its impact on the society through the establishment of relevant institutions and/or partnership with existing institutions to assist in the acceptance and tolerance of heritage and cultural diversity.

2.3.3.4 SRAC

Purpose: To coordinate and strategically facilitate sports, arts, culture and recreational facilities development, nurturing of talent including promotion of cultural diversity and transformation.

2.3.3.5 Disaster Management

Purpose: To develop and implement holistic and integrated disaster management planning and practice in a cost effective and participatory manner thus ensuring the preparedness of our communities to prevent and respond to disasters.

: Fire fighting in the area of the district municipality as a whole, which includes:

- Planning, co-ordination and regulation of fire services;
- Specialized fire fighting services such as mountain, veld and chemical fire services;
- Co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;
- Training of fire officers.

HIV and AIDS

Purpose: to support and facilitate the provision of sustainable needs driven HIV and AIDS services that are accessible and affordable, through co-operative governance and partnerships by:

- Strengthening social mobilization and education initiatives;
- Strengthening treatment, care and support services;
- Creating an enabling environment for employees and their families;
- To intensify multi-sectoral response for effective co-ordination.

2.3.4 Strategic Planning and Economic Development

This cluster oversees and coordinates the strategic planning of the district as well as services to be rendered. This covers the total spectrum of integrated development planning (IDP) Land use management (LUMS), Precinct developments, human settlements, local economic development, tourism, knowledge management as well as communications and marketing of the region.

2.3.4.1 Development Planning - LUMS

Purpose: To coordinate the development of integrated Spatial Development Frameworks (SDFs) and Land Use Management Systems (LUMS) for the District, including the development of integrated Geographic Information Systems (GIS).

2.3.4.2 Development Planning – Special Projects

Purpose: To coordinate the plans and development of integrated special projects for 2010 and beyond. Coordination of Special projects includes the managing the Neighbourhood Development Partnership Grant (NDPG) programmes of Sharpeville Precincts, Civic Precinct, as well as River Front Development Precinct and twenty prioritized townships (20 PTP).

2.3.4.3 Housing (Human Settlements)

Purpose: To coordinate all the housing related programmes and plans in the Sedibeng region.

2.3.4.4 Local Economic Development (LED)

Purpose: To coordinate all the local economic development programmes including rural and agricultural programmes, SMMEs, and local economic policy development and plans.

2.3.4.5 Tourism

Purpose: To coordinate the tourism related plans and promotion of tourism development programmes of the region within and beyond Sedibeng.

2.3.4.6 Knowledge Management and Research

Purpose: To coordinate and develop knowledge management research programmes of the district through the community of practice (COP).

2.3.4.7 Communications and Marketing:

Purpose: To coordinate and develop communications and marketing programmes of the region within and beyond Sedibeng district, as well as web development. This includes events management and branding of the Sedibeng district.

2.3.4.8 Integrated Development Plans (IDP)

Purpose: To coordinate and develop the district-wide Integrated Development Plans (IDPs) through public participation programmes and stakeholder relations (politically and community-based programmes)

2.3.5 Treasury

Purpose: To render accounting supply chain management and financial management services for the Sedibeng District Municipality, and to increase revenue collection.

2.3.6 Corporate Services

2.3.6.1 Legal and Support Services

Purpose: To render a centralized corporate support services to the Sedibeng District Municipality.

: To render legal services to the Sedibeng District Municipality.

: To render secretarial services to the Sedibeng District Municipality.

: To render administrative services to the Sedibeng District Municipality District Municipality.

: To render printing services to the Sedibeng District Municipality District Municipality.

: To render internal communications services to the Sedibeng District Municipality.

2.3.6.2 Human Resources

Purpose: To render a centralized Human Resources Service within the Sedibeng Municipality District Municipality.

2.3.6.3 Information Management

Purpose: To render information technology and support services.

2.3.6.4 Facilities Management

Purpose: To render general maintenance of the following:

- Grounds and buildings
- Machinery i.e lifts and cold rooms
- Electricity
- Plumbing

To render fleet management which includes:

- Service of council vehicles
- Registrations of council vehicles
- General administration

2.3.6.5 Utilities Management

Purpose: to render management of council business units namely:

Airport. Taxi Ranks and Fresh Produce Market

2.3.7 Speaker

The municipal council has the chairperson who is called the Speaker elected in terms of section 36 Local Government: Municipal Structures Act, 117 of 1998.

The functions of the speaker of a municipal council-

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presides at meetings of the council;

- perform the duties and exercises the powers delegated to the speaker in terms of section 59 of the Local Government: Municipal Systems Act, 2000(Act no 32 of 2000);
must ensure that the council meets at least quarterly;
- must maintain order during meetings;
- must ensure compliance in the council and council committees with the Code of Conduct set out in Schedule 1 of the Local Government Municipal Systems act 32 of 2000; and
- must ensure that council meetings are conducted in accordance with the standing rules and orders of the council.

2.3.8 Executive Mayor

The municipal council has an executive mayor elected in terms of section 55 of the local government: municipal structures act, 117 of 1998.

The functions and powers of the Executive Mayor –

- an Executive Mayor is entitled to receive reports from committees of the municipal council and to forward this reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of the Executive Mayor's delegated powers;
- perform functions listed in section 56(2) (a-h) of the Local Government: Municipal Structures act;
- perform ceremonial role as the municipal council may determine;
- report to the municipal council on all decisions taken by the Executive Mayor;

The Executive Mayor's Office is a political Office which is staffed by nine (9) people..The Executive Mayor's Office assists and attends to members of the public who approach it for assistance on issues that concern them. The office looks after the Executive Mayor's projects and campaigns. It also manages and co-ordinates Council events.

2.3.9 Ward Committees (Municipal Structures Act 117 of 1998)

What are Ward Committees?

Ward Committees are committees established for each municipal ward to broaden community participation in the municipality.

Composition of Ward Committees

The ward committees consist of the councillor (chairperson) representing that particular ward and not more than ten other elected persons representing various groups within the local community.

Functions and Powers of Ward Committees

Ward committees may make recommendations on any matter affecting its ward to the ward councillor or to the council or executive mayor through that particular ward councillor.

2.3.10 Councillors

Who is a councillor?

A councillor is a member of a municipal council.

Who can be a councillor?

Every citizen who is qualified to vote for a particular municipal council has the right to stand as a candidate to be elected as a councillor.

3. GENERAL INFORMATION REGARDING A MUNICIPALITY

a. Budgeting

What is a Municipal Budget?

The annual budget of a Municipality contains estimates of all revenue expected to be received during the financial year ending 30 June to which the budget relates, estimates of current expenditure for that financial year, estimates of interest and debt servicing charges, estimates of capital expenditure for that financial year and the projected financial implications of that expenditure for future financial years.

Approval of the Budget

A municipal council must for each financial year, approve an annual budget in operating income and expenditure and capital expenditure and thereby appropriate money from its Revenue Fund for the requirements of the municipality (Municipal Finance Management Act 56, 2003).

b. Integrated Development Planning

What is integrated development planning?

It is a process through which municipalities prepare a strategic development plan for a five year period.

An integrated development plan adopted by a municipal council may be amended and remains in force until an Integrated Development Plan is adopted by the next elected council. Therefore the Integrated Development Plan is linked to the term of office of the municipal office bearers.

c. Procurement

What is procurement?

Procurement refers to the process of acquiring goods and services by the Municipality, in accordance with a policy adopted by the council. When acquiring goods and services, Municipalities must ensure it is in accordance with a system which is fair, equitable, transparent, competitive and cost effective.

d. Tariffs

What are tariffs?

Tariffs represent the charges levied by council on consumers for the utilisation of services (e.g. license fees etc) provided by the Municipality. Tariffs may be calculated in various different ways, dependent upon the nature of the service provided.

e. Credit Control, Indigent and Debt Collection Policy

What is credit control, debt collection policy?

Credit control and debt collection refers to the administrative mechanisms, processes and procedures established by the Municipality to collect revenues due and payable to it for services rendered and for rates and levies it has raised.

4. General contact details

CONTACT DETAILS OF THE INFORMATION OFFICERS, DEPUTY INFORMATION OFFICERS AND OTHER SENIOR MEMBERS OF SEDIBENG DISTRICT MUNICIPALITY

Municipality Name	Sedibeng District Municipality
Address	P O Box 471 VEREENIGING 1930 Civic Centre, Cnr Leslie and Beaconsfield Streets, Vereeniging.
Tel	(016) 450 3092
Fax	(016) 455 5264
Email	www.sedibeng.gov.za

INFORMATION OFFICER

MUNICIPAL MANAGER

Yunus Chamda

(016) 450-3249(Tel)
(016) 455-5264(Fax)

DEPUTY INFORMATION OFFICERS

EXECUTIVE DIRECTOR CORPORATE SERVICES

Mr. Mosotho Petlane

(016) 450-3201(Tel)
(016) 455-2887(Fax)

EXECUTIVE DIRECTOR: STRATEGIC PLANNING AND ECONOMIC DEVELOPMENT

Mr. Khulu Mbongo (Acting)

(016) 422-6541(Tel)
(016) 422-6545(Fax)

EXECUTIVE DIRECTOR: COMMUNITY SERVICES

Mrs. Morogwe Mazibuko

(016) 450-3101(Tel)
(016) 422-6939(Fax)

EXECUTIVE DIRECTOR: TRANSPORT, INFRASTRUCTURE AND ENVIRONMENT

Mr. Sorrius Matshidiso Manele

(016) 427-1015/6/7(Tel)
(016) 427-1014(Fax)

CHIEF FINANCIAL OFFICER

Mr. Brendon Scholtz

(016) 450-3074(Tel)
(016) 450-1546(Fax)

The contact details of the Political Office Bearers are the following:

MAYOR'S OFFICE

THE MAYOR – Mr. Mahole SimonMofokeng

(016) 450-3018(Tel)

SPEAKER'S OFFICE

THE SPEAKER – Mrs. Kedibone Mokgotsi

(016) 450-3091(Tel)

CHIEF WHIP'S OFFICE

THE CHIEF WHIP – Mr. Khulu Malindi

(O16) 450-3238(Tel)

4. SECTION 10 GUIDES ON HOW TO USE THE ACT

The guide will be available from the South African Human Rights Commission.

5. CATEGORIES AND SUBJECTS ON WHICH RECORDS ARE HELD

The list of subjects on which documents are held will be updated from time to time and requesters should contact the information officer or his or her deputies to establish if a record not listed is held by the Municipality, whether it is available and the classification thereof.

The list of records available for which no request is required will be updated from time to time and requesters should contact the information officer or his or her deputies to establish if a record not listed is held by the Municipality, whether it is available for access to information in the 5.1 and 5,2 categories the informal procedure outlined in paragraph 6 is followed.

5.1 Categories automatically available to employees without a formal request

The following records are automatically available on **request to** all employees and need not to be requested in accordance with the procedure outlined in paragraph 6 below:

- 5.1.1 personnel records are available to the employee whose file it is;
- 5.1.2 records of disciplinary hearings and related matters are available to the employee;
- 5.1.3 the municipality's policies, procedures and guidelines and all documents to which the general public as listed in 5.2 below, is entitled without having to request access thereto in terms of 6 below.

5.2 Categories automatically available to the general public without a formal request

5.2.1 General Public

- 5.2.1.1 the Council's establishment notice;
- 5.2.1.2 public relations brochures and publications;
- 5.2.1.3 media releases;
- 5.2.1.4 agendas prepared for a full council meeting and other committees of Council excluding those parts which relate to personnel matters and which may in terms of relevant legislation be excluded as well as the issues listed in 6 below;
- 5.2.1.5 the Sedibeng District Municipality's Integrated Development Plan;
- 5.2.1.6 the Sedibeng District Municipality's Supply Chain Management policy, employment equity plan, skills development plan and credit control and debt collection policy;
- 5.2.1.7 documents, reports, plans, policies and procedures, the content of which the Sedibeng District Municipality must notify the general public in terms of applicable legislation of its existence, council discussions on the subject or which must **at** intervals be published for general comment or cognisance by the public;
- 5.2.1.8 legislation applicable to the Sedibeng District Municipality;
- 5.2.1.9 tender or quotation documents in respect of a tender issued and/or quotations called by the Sedibeng District Municipality.
- 5.2.1.10 Service Charters
- 5.2.1.11 minutes of Council and other committee meetings.

5.2.2 **Specific categories of persons**

Copies of tender documents, levy returns, levy registration documents or any other documents submitted by a person, provided that the requester submitted the original document in the possession of the Sedibeng District Municipality .

5.2.3 **Categories which are not automatically available**

The following categories of records are not automatically available and the formal procedure described in 6 below should be followed in order to access these records:

5.3.1 **Personnel records**

These include the following:

- personnel information, employment histories and health records;
- personnel records provided to the Sedibeng District Municipality by its personnel;
- records which a third party has provided to the Sedibeng District Municipality about any of its personnel;
- training and development;
- conditions of employment and other personnel related contractual and legal records;

- internal evaluation records;
- records of internal loans and financial assistance; and
- other internal records and correspondence.

5.3.2

Customer and taxpayer-related records

These include the following:

- records which taxpayers and customers have provided to a third party acting for and on behalf of the company;
- records a third party has provided to the Sedibeng District Municipality;
- records generated by or within the Sedibeng District Municipality pertaining to customers and taxpayers;
- information relating to the financial, operations and employment history of any person who submitted a tender, quotation, proposal, submission, presentation or offer to the Sedibeng District Municipality for the supply, provision or installation of services, material or equipment;
- transaction records.

5.3.3

Municipal records

These include the following:

- financial records;
- operational records;
- project management, including building plans, plant and operation manuals, procedures and maintenance;
- databases;
- patents, registered designs and trademarks;
- technological know-how;
- information technology records;
- intellectual property;
- product records;
- marketing and strategic records;
- internal correspondence;
- retirement fund records;
- statutory records;
- statutory compliance records;

- internal policy and procedures;
- treasury related records;
- securities and equities;
- investment records;
- financing records;
- cash flow records;
- any other record not listed above which may be held by the Sedibeng District Municipality.

5.3.4 **Other parties**

Records held by the Sedibeng District Municipality relating to other municipalities, organs of state and parties including financial records, correspondence, contractual records, records provided by other parties and records third parties have provided about the municipal contractors and suppliers in respect of contractors, suppliers, subsidiary or fellow subsidiary companies, joint venture partners and services providers.

Tender and/or Quotation documents shall be made available to the requester only if the requester submitted a tender and/or quotation documents to be considered for a specific service or item, and only if the request relates to the specific document requested.

6. HOW TO REQUEST ACCESS TO A RECORD

6.1 Informal procedure for requesting records automatically available.

6.1.1

6.1.1.1 Where the record to be requested relates to a single directorate and access thereto is likely to be given automatically without having to request access thereto in terms of the act, then as to avoid unnecessary delay and in the interest of efficiency, the requester should preferably make his or her request directly to the directorate concerned.

6.1.1.2 A request described in the preceding paragraph should preferably be made in the first instance to the official in the directorate who is authorised to grant or arrange the grant of access thereto. Such official or employee will either -

6.1.1.2.1 refuse or grant access to that record; or

6.1.1.2.2 refer the request to a higher authority, or

6.1.1.2.3 grant or arrange the grant of access thereto if, upon consideration of all applicable facts and circumstances it is appropriate to do so, and if appropriate, subject to such conditions as the Sedibeng District Municipality may impose.

6.1.1.3 Should a requester be dissatisfied with the outcome of his or her request referred to above, then he or she should repeat the request to an official who is of higher authority as the official referred to in 6.1.1.2 above and who, reasonably considered, is likely to be the most appropriate person to consider the request and be authorized to discuss the subject thereof and grant or arrange the grant of access thereto.

6.1.1.4 Should the record concerned not satisfy the criteria set out above or should a requester be dissatisfied with the outcome of his or her request referred to above, then a requester may make use of the internal appeal procedure set out below.

6.2 Procedure for requesting a record not automatically available

6.2.1 A request for a record must be made on Form A (Request of Access to a Record of a Public Body) set out in Government Gazette R187 dated 15 February 2002, attached hereto as Form A.

6.2.2 The requester must provide sufficient detail on the request form to enable the information officer to identify the record and the requester must also indicate which form of access to the record is required, should also indicate if he or she wishes to be informed of the decision on the request in any other manner (and if so, state that manner and the necessary particulars to be informed) must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right, and otherwise complete the request form. If a request is made on behalf of another person the requester must submit proof of the capacity in which he or she is making the request to the satisfaction of the information officer.

6.2.3 The requester must submit the prescribed form to the Information Officer at the address, telefax number or electronic mail address set out in 4 above.

6.2.4 The following request fees are payable by every requester, other than a personal requester, before the request will be further processed:

- R35 (thirty five rand); and
- if the information officer is of the opinion that six hours will be exceeded to search, prepare and/or reproduce the record requested, a deposit is payable equal to half of the access fee which would be payable if the request is granted.

6.2.5 The Information Officer shall, as soon as is reasonably possible, but in any event within 30 days after a proper request has been received, decide whether or not to grant the request and notify the requester thereof accordingly.

6.2.6 If the request for access is granted, the notice referred to in 6.2.5 above will state the access fee to be paid upon access to the record, and the form in which such access shall be given.

6.2.7 After access is granted, actual access to the record requested will be given as soon as reasonably possible.

6.2.8 If the request for access is refused, the information head will provide adequate reasons for the refusal and the requester may follow the appeal procedures set out below.

7. Procedures to be followed if a request for access to information is declined or not responded to.

7.1 The attention of requesters is drawn to the following:

- in certain circumstances the information officer is entitled to extend the period of thirty days referred to in 6.2.5 above in terms of the Act;
- in certain circumstances the information officer is obliged to notify a third party of a request for a record to whom or which that record relates and of the rights of such third party to dispute the decision of the information head;
- in certain circumstances the information officer is obliged to refuse a request for access to certain records in terms of the Act.

Section 7(2) of the Promotion of Administrative Justice Act stipulates that no court or tribunal shall review any administrative action unless all internal remedies are exhausted.

7.2 The requester have the right to lodge within thirty days after receipt of the notice in which he/she was informed that his or her request has been refused, a written appeal to the authority referred to in 7.3, clearly setting out the following:

- date upon which he or she received the notification referred to in 6.2.5 above;
- full reasons why he or she is of the opinion that the request was unreasonably or unlawfully turned down;
- the harm caused or that is likely to be caused as a result of the refusal;
- any other material aspect which in his or her opinion is relevant to the request and/or might assist the appeal authority to consider the appeal.

7.3 If the request was turned down by the deputy information officer the appeal referred to in 7.2 above shall be directed to the information officer.

7.4 If the request was turned down by the information officer the appeal should be directed to the Executive Mayor at the address in 3 above.

7.5 The appeal shall be in writing and may be submitted in electronic format, by post or by fax. (The notice of internal appeal attached hereto as Form B may be used for this purpose).

7.6 The information officer or a designated official shall assist appellants who cannot read or write or who do not have the means to submit the appeal in the format referred to above.

8. **Public participation guidelines**

Guidelines for public participation will be pursuant to the provisions of the Local Government: Municipal Systems Act (32 of 2000).

9. **Fees**

The fees to be paid in terms of this manual shall be the fees determined in the Regulations to the Act published in GN 223 of 9 March 2001. A copy of the fee structure is attached hereto as an Annexure.

Form "A" REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by.

(state rank, name and surname of information officer/deputy information officer) on

(date) at (place).

Request fee (if any):	R.
Deposit (if any):	R.
Access fee:	R.

SIGNATURE OF INFORMATION
OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

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

Full names and surname:.

Identity number:.

Postal address:.

Telephone number: E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:.

Identity number:.

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a 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:
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 for exemption.

Reason for exemption from payment of fees: .

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 below, 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) *Compliance with your request for access in the specified form may depend 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	
If record consists of visual images-			
2. (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
view the images	copy the images	transcription of the images	
3. If 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 (stiffy or compact)	
if you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			YES NO
Postage is payable.			
<i>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.</i>			
In which language would you prefer the record?			

G.

Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed 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 atthis.....day of 20.....

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

Form B

NOTICE OF INTERNAL APPEAL

Section 75 of the Promotion of 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:

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

- (a) *The particulars of the person who lodge 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:

Fax number:

E-mail 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 (other than the requester) lodges the internal appeal.

Full names and surnames:

Identity number:

D. The decision against which the internal appeal is lodged

<i>Mark the decision against which the internal appeal is lodged with an X in the appropriate box:</i>	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29 (3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	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 20

SIGNATURE OF APPELLANT

<p>FOR DEPARTMENTAL USE:</p> <p style="text-align: center;">OFFICIAL RECORDED OF INTERNAL APPEAL:</p> <p>Appeal received on (date) by (state rank, name and surname of information officer/deputy information officer).</p> <p>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.</p> <p>OUTCOME OF APPEAL:</p> <p>DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED</p> <p>NEW DECISION:</p>

DATE	RELEVANT AUTHORITY		

Annexure A

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

**PART I
FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0,60 for every photocopy of an A4-size page or part thereof.

**PART II
FEES IN RESPECT OF PUBLIC BODIES**

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.
2. The fees for reproduction referred to in regulation 7 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	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	0,40
(c) For a copy in a computer-readable form on —	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of an audio record, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2) is R35.00.

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

(1) (a) For every photocopy of an A4-size page or part thereof	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	0,40
(c) For a copy in a computer-readable form on —	
(i) stiffy disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15.00 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 the Act, 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 to a requester.	

.....
Signed
MUNICIPAL MANAGER