



PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 14 MANUAL FOR NAMAKWA DISTRICT MUNICIPALITY

1 INTRODUCTION

This Manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

2 NAMAKWA DISTRICT MUNICIPALITY OVERVIEW

Namakwa District Municipality is defined in the Act as a public body, which encompass any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government.

Namakwa District Municipality supports the constitutional right of access to information and we are committed to provide any requester access to our records in accordance with the provisions of the Act.

3 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.namakwa-dm.co.za) or by sending a request for a copy to the Namakwa District Municipality Information Officer or Deputy Information Officer by email. The Manual may also be obtained from any of our offices (Regulation R187 of 15 February 2002), every place of legal deposit (as defined in Section 6 of the Legal Deposits Act of 1997), the South African Human Rights Commission ("SAHRC") or from the Government Printers.

4 UPDATING OF MANUAL

This Manual will be updated and published, if necessary, at intervals of not more than 1 (one) year as prescribed in the Act.

5 FUNCTIONS AND STRUCTURE OF NAMAKWA DISTRICT MUNICIPALITY

Kindly note that the functions and services listed below, are derived from the Local Government: Municipal Structures Act, and that the specific functions and services applicable to the Namakwa District Municipality will only be decided upon at a later stage by way of a meeting between the District Municipalities and the MEC. Once these functions and services are finalised, the Namakwa District Municipality will update this Manual, in accordance with the Act, to reflect the functions and services we offer.

▪ Functions of Namakwa District Municipality:

- Namakwa District Municipality has the functions and powers assigned to it in terms of the Constitution of the Republic of South Africa which includes the imposition of rates on property falling within the boundaries of the Namakwa District Municipality (referred to interchangeably as the “area” and the “district”) and surcharges on fees for services attended to by it.
- Other functions that the Namakwa District Municipality has, include:-
 - furthering the development of its area as a whole by seeking to achieve the integrated, sustainable and equitable social economic development thereof. This is achieved by:-
 - (a) development planning that is integrated for the whole area/district;
 - (b) promoting services and development of the infrastructure within the area/district;
 - (c) building up capacity to perform its functions and exercise its powers as set out in legislation; and
 - (d) promoting equitable distribution of resources throughout the area/district.
- The specific powers and functions of Namakwa District Municipality, operating as a district municipality is to take responsibility for:
 - (a) development planning which includes a framework for development plans of all municipalities in the area/district;
 - (b) water supply systems;
 - (c) the supply of electricity in bulk which includes the distribution and transmission as well as the generation of electricity;
 - (d) waste, water and sewerage disposal systems for domestic use;
 - (e) solid waste disposal sites relating to a waste disposal strategy, the regulation thereof, as well as the establishment, operation and control of waste disposal sites;

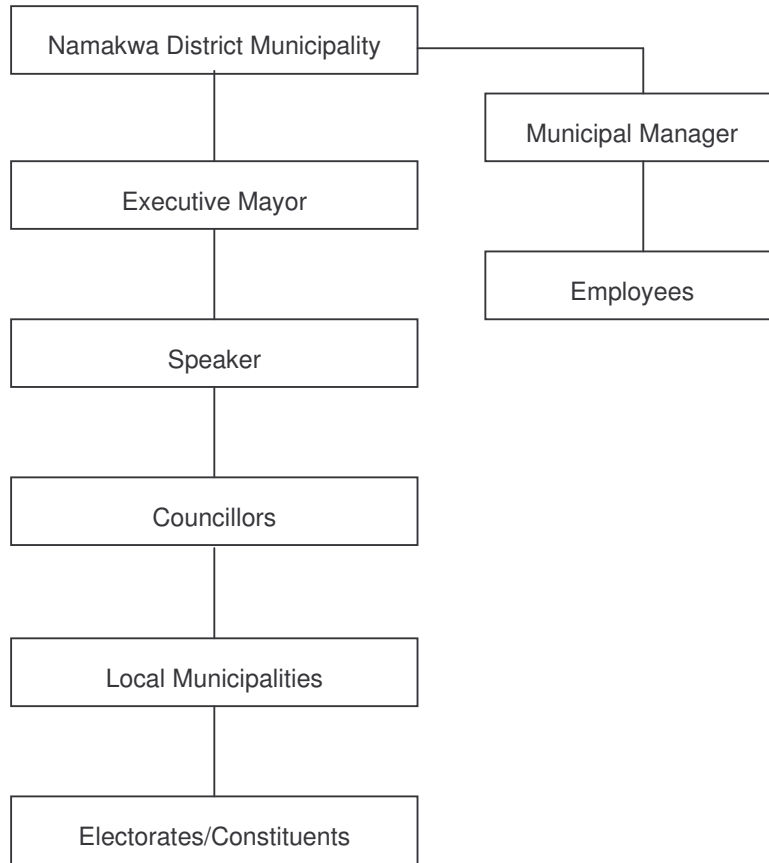
- (f) the road transport system which includes municipal roads;
- (g) the regulation of passenger transport services;
- (h) municipal airports in the area;
- (i) municipal health services;
- (j) fire fighting services which includes:
 - (i) planning, co-ordination and regulation of the fire services;
 - (ii) specialised fire fighting services;
 - (iii) co-ordination of the infrastructure and equipment;
 - (iv) the training of fire officers.
- (k) the conduct and control of fresh produce markets;
- (l) the establishment, conduct and control of cemeteries;
- (m) promotion of local tourism;
- (n) public works relating to any of the above functions;
- (o) the receipt and allocation of grants made to the district municipality;
- (p) the imposition and collection of taxes, levies and duties as they relate to the above functions.

▪ **Vision of Namakwa District Municipality**

Our vision is to establish and develop a democratic local government in which we can fulfil our constitutional obligations by ensuring sustainable, effective and efficient municipal services.

Our vision extends to the promotion of social and economic development to ensure a safe and healthy environment by working with communities in creating environments for human settlements in which all people concerned can prosper and lead uplifted and dignified lives.

▪ **Schematic diagram of Namakwa District Municipality:**



▪ **Structure of Namakwa District Municipality:**

- o Namakwa District Municipality was established by the Member of the Executive Council (“MEC”) in accordance with the provisions of the Constitution and the Local Government: Municipal Structures Act, 117 of 1998.
- o The Namakwa District Municipality is a district municipality under which local municipalities rank.
- o These local municipalities are represented at the Namakwa District Municipality through their councillors.
- o These councillors may be employed as full-time employees by the Namakwa District Municipality.
- o The Municipal Manager of the Namakwa District Municipality is Head of the municipality with the employees falling under him.

6 **CONTACT DETAILS**

Name of Public Body	Namakwa District Municipality
Municipal Manager	Mr. H J Visser
Designated Information Officer	Mr. H J Visser
Designated Deputy Information Officer (if any)	Mrs. H M Rossouw
Email address of Information Officer/ Deputy Information Officer	info@namakwa-dm.gov.za
Postal address	Office of the Municipal Manager Namakwa District Municipality P O Box 5 Springbok 8240
Street address	Van Riebeeck Street Springbok 8240
Phone number	(027) 712-8000
Fax number	(027) 712-8040

7 **HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT**

The Section 10 Guide will be made available in August 2003 and after such date will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

8 **HOW TO REQUEST ACCESS TO RECORDS HELD BY NAMAKWA DISTRICT MUNICIPALITY**

▪ **Automatic disclosure**

A notice in terms of section 15(2) must and will be published by the Namakwa District Municipality at least once a year. Such notice must set out all the

categories of records held by them which are available without a person having to request the information through the mechanisms of the Act.

▪ **Records that may be requested**

The records that may be requested by a requester means any recorded information regardless of its form or medium which is in the possession or under the control of Namakwa District Municipality, whether it was created by them or not.

▪ **Request procedures**

A requester shall be given access to a record held by Namakwa District Municipality if the following requirements, as set out in the Act, are met, namely:

- o that the requester complies with all the procedural requirements contemplated in the Act relating to a request, and
- o that access to that requested record is not refused in terms of any ground for refusal contemplated in the Act.

The right of a requester to access information in terms of this Act is not affected by any reasons given by that requester, or any believes by the Information Officer as to what the reasons for the request may be.

Requests for access to records held by Namakwa District Municipality must be made on the prescribed request forms (on payment of the prescribed fees, if any) that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under "regulations"). Such forms and list of fees will be incorporated in copies of this manual available from the Namakwa District Municipality's offices.

Requests for access to records must be made to our Information Officer / Deputy Information Officer at the address, fax number or electronic mail address provided for above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed. The requester must also state whether the record concerned is preferred in a particular language and also specify his or her postal address or fax number in the Republic of South Africa.

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request, to the satisfaction of the Information Officer.

Should an individual be unable to make a request for access to a record of Namakwa District Municipality because of illiteracy or disability, he or she may make such a request orally. The Information Officer must then reduce the oral request to writing in the prescribe form and supply the requester with a copy thereof.

9 SERVICES AVAILABLE

▪ Nature of services:

Namakwa District Municipality's services include:

- o the development of infrastructure;
- o the equitable distribution of resources throughout its area;
- o operating and setting up water supply systems;
- o the supply of electricity in bulk, including distribution and transmission as well as generating electricity;
- o management of waste, water and sewerage disposal for domestic use;
- o establishing, operating and controlling waste disposal sites;
- o the management of the road transport system;
- o the regulation of passenger transport services;
- o the regulation of municipal airports in the district;
- o the management and control of the municipal health services;
- o the planning and co-ordination of fire fighting services;
- o the promotion of local tourism and public works relating to any of the above functions;
- o the receipt and allocation of grants made to the Namakwa District Municipality; and
- o the imposition and collection of taxes, levies and duties as they relate to the above services.

▪ How to gain access to these services:

Any person may gain access to the above contemplated services by submitting a request to the Municipal Manager of Namakwa District Municipality at the above address.

10 ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION

Local municipalities are represented on the Namakwa District Municipality through their councillors. These councillors are elected by the constituency of each local municipality. Accordingly, the most important medium for public participation is by participation on local municipal elections.

In addition, the public may participate in the policy formulation of the Namakwa District Municipality by:-

- attending municipal meetings, which are open to the public except in certain limited circumstances;
- liaising with their local municipal councillors;
- IDP Representative Forum; and
- Written submissions to Council.

11 **REMEDIES AVAILABLE FOR NON-COMPLIANCE**

Namakwa District Municipality does not have an internal appeal procedure relevant to the Act. Accordingly, a dispute regarding the Act may be resolved by approaching the relevant court directly.

12 **OTHER INFORMATION AS MAY BE PRESCRIBED IN THE ACT**

There is currently no information available from the Minister of Justice and Constitutional Development in terms of section 92 to be inserted here.

13 **PRESCRIBED FEES**

The Act sets out two types of fees, namely a request fee and an access fee, that are required to be paid prior to Namakwa District Municipality accessing the request for information.

A personal requester, ie. a requester who requests access to a record containing personal information is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.

The requester (other than a personal requester) must be notified by the Information Officer to pay the prescribed request fee before processing the request.

Should the requester be aggrieved by the tender or payment of the request fee, the requester may lodge an internal appeal (where appropriate) or bring an application to court.

The Information Officer must notify the requester of his/her decision in the manner specified by the requester.

In the event that the Information Officer granted the request, a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to prepare and search for the requested record.

The prescribed fees are set in Annexure 1 hereto, in terms of the regulations contemplated in the Act.

14 **RECORDS HELD BY NAMAKWA DISTRICT MUNICIPALITY**

We maintain records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

14.1 **Internal records**

The following are records pertaining to Namakwa District Municipality's own affairs:

- Financial records
- Operational records
- Intellectual property [do we really need this?]
- Marketing records;
- Internal correspondence;
- Statutory records;

- Internal policies and procedures;
- Records held by officials of the Namakwa District Municipality.

14.2 **Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of Namakwa District Municipality and receives or is entitled to receive any remuneration and any other person who assist in carrying out or conducting any work or services of Namakwa District Municipality. This includes, without limitation, directors, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to the Namakwa District Municipality by their personnel;
- Any records a third party has provided to the Namakwa District Municipality about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

14.3 **Work-related records**

Work-related information includes the following:

- Any records a third party has provided to the Namakwa District Municipality; and
- Records generated by or within the Namakwa District Municipality pertaining to work or services, including transactional records.

14.4 **Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, departments, service providers. Alternatively, such other parties may possess records which can be said to belong to the Namakwa District Municipality. The following records fall under this category:

- Personnel, work or service related records which are held by another party as opposed to being held by the Namakwa District Municipality; and
- Records held by the Namakwa District Municipality pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

FEES IN RESPECT OF PUBLIC BODIES

Part ii of Notice 187 in the Government Gazette on the 15 February 2002

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 visual images, or 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, or 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:

	R
(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.

**PRESCRIBED FORMS FOR ACCESS TO INFORMATION
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 2]

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

Name of Public Body	Namakwa District Municipality
Designated Information Officer	Mr. H J Visser
Designated Deputy Information Officer (if any)	Mrs. H M Rossouw
Email address of Information Officer/ Deputy Information Officer	info@namakwa-dm.gov.za
Postal address	The Office of the Municipal manager Namakwa District Municipality P O Box 5 Springbok 8240
Street address	Van Riebeeck Street Springbok 8240
Phone number	(027) 712 8000
Fax number	(027) 712 8040

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:

Fax number: 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 therefore.*

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 hereunder, state your disability and indicate in which form the record is required.

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

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.

Mark the appropriate box with an "X".

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

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	inspection of record
--------------------------	-----------------	--------------------------	----------------------

2. If record consists of visual images -
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

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

<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	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* (magnetic or optical disc)
--	-------------------------	--	--	--	---

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
--	-----	----

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

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed 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