



*PROMOTION OF ACCESS TO INFORMATION
ACT SECTION 14 MANUAL FOR
NAMAKWA DISTRICT MUNICIPALITY*

THIS MANUAL IS ALSO AVAILABLE IN AFRIKAANS

UPDATED APRIL 2019

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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. HOW TO ACCESS THE HUMAN RIGHTS COMMISSIONER 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

3. NAMAKWA DISTRICT MUNICIPALITY'S 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.

VISION OF NAMAKWA DISTRICT MUNICIPALITY

The Vision of Namakwa District Municipality is , "A Centre of Excellence".

MISSION STATEMENT

We will strive to achieve our vision through:

- The stimulation of radical economic and social transformation;
- The fostering of partnership with relevant role-players;
- Supporting and capacitation of local municipalities;

- Transparent and accountable processes; and
- Providing of local leadership

- **VALUES**

The Namakwa District Municipality adheres to the values contained in the Batho Pele Principles

- Professionalism
- Customer focus
- Respect
- Dignity
- Political maturity
- Sense of urgency
- Sense of belonging

Namakwa District Strategic Objectives

- Monitor and support local municipalities to deliver basic services which include water, sanitation, housing, electricity and waste management
- Support vulnerable groups
- Improve administrative and financial viability and capability
- Promote and facilitate Local Economic development
- Enhance good governance
- Promote and facilitate spatial transformation and sustainable urban development
- Improve communication and communication systems
- Establish a customer care system
- Invest in the improvement of ICT systems
- To render municipal health services
- To coordinate the disaster management and fire management services in the district
- Implement the climate change response plan
- Caring for the environment

4. 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.

- 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 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) Firefighting services which includes:
 - (i) Planning, co-ordination and regulation of the fire services;
 - (ii) specialised firefighting 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 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.

5. CONTACT DETAILS

Name of Public Body	Namakwa District Municipality
Municipal Manager	Mr C Fortuin
Designated Information Officer	Mnr G Cloete
Designated Deputy Information Officer (if any)	N/A
Email address of Information Officer/Deputy Information Officer	garyc@namakwa-dm.gov.za
Postal Address	Office of the Municipal Officer Namakwa District Municipality Private Bag X20 SPRINGBOK 8240
Street Address	Van Riebeeck Street 20 Springbok 8240
Phone Number	027 7128000
Fax Number	027 7128040

6. STRUCTURES OF THE MUNICIPALITY

Organisational Structure

The Namakwa District Municipality is a category C-municipality. The last municipal elections were held in August 2016 and a new Council was elected. There are 2 political parties represented in Council namely African National Congress (ANC) and Democratic Alliance (DA) with the first mention the majority party. The Council has portfolio committees to ensure service delivery and exercise its oversight function

Municipality/Council	Council Member	Full Time/Part Time + committee
Namakwa District Municipality	Mr Mervin Cloete	Full Time Newly appointed Executive Mayor
Namakwa District Municipality	Ms Newrene Klaaste	Full Time Newly appointed Speaker
Namakwa District Municipality	Ms Helen Jack	Part Time Municipal Health Services Health and Safety
Namakwa District Municipality	Mr Cyril Warne	Part Time Cooperative Services
Namakwa District Municipality	Mr Chandre Klaase	Part Time MPAC Health & Safety
Namakwa District Municipality	Ms Anna Beukes	Part Time Budget & Treasury
Hantam Municipality	Ms Geraldine Gous	Part Time Economic Development MPAC
Nama Khoi Municipality	Ms Gillian Pieters	Part Time

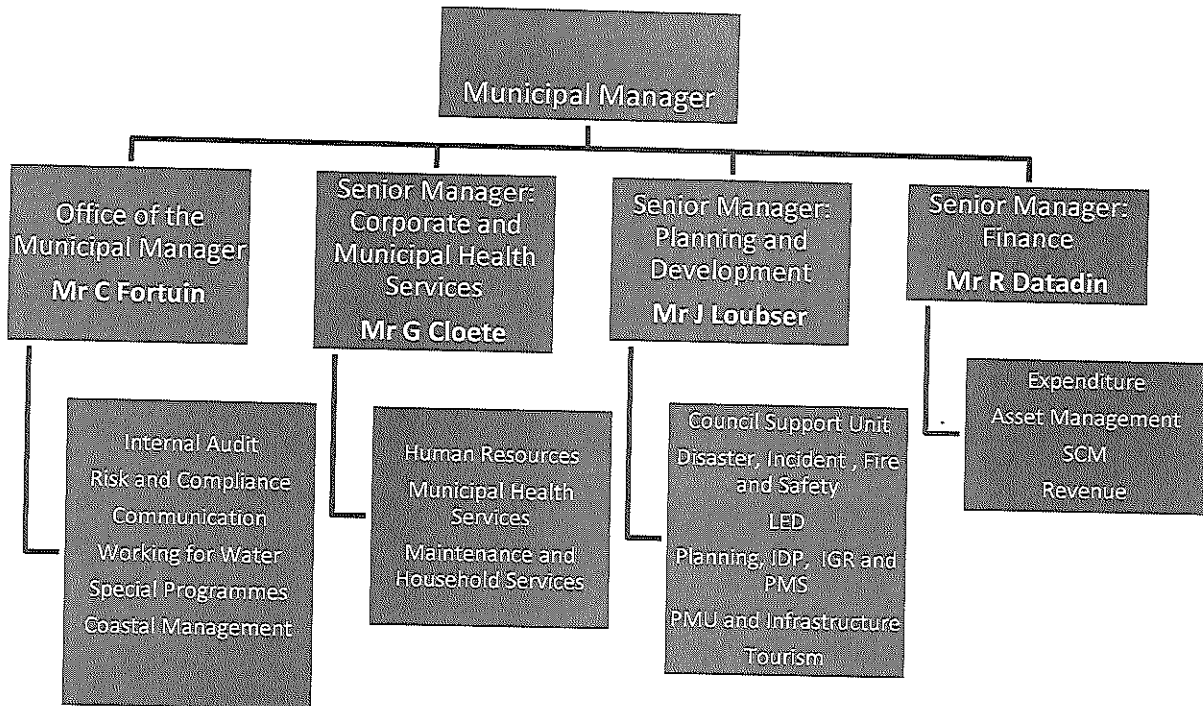
		Economic Development
Nama Khoi Municipality	Mr Charles Coetzee	Part Time Budget & Treasury
Nama Khoi Municipality	Mr Gert Coetzee	Part Time Municipal Health Services MPAC
Nama Khoi Municipality	Ms Zuie De Jongh	Part Time Economic Development
Karoo-Hoogland Municipality	Mr Jeremia Davids	Part Time Budget & Treasury Municipal Health Services (2017/2017)
Richtersveld Municipality	Mr Willem Links	Part Time Economic Development Committee Cooperative Services
Richtersveld Municipality	Ms A Minnies	Part-Time Newly Elected Council Member Cooperative Services
Namakwa District Municipality	Ms Magdalena Groenewald	Full Time Former Speaker
Khai-Ma Municipality	Ms Adel Rooi	Full Time Former acting Executive Mayor
Kamiesberg Municipality	Ms Susarah Nero	Part Time Former Council Member

7. 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 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 expect in certain limited circumstances;
- Liaising with their local municipal councillors ;
- IDP Representative Forum; And
- Written submission to Council.



▪ **Structure of Namakwa District Municipality**

- 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.
- The Namakwa District Municipality is a district municipality under which local municipalities rank.
- These local municipalities are represented at the Namakwa District Municipality through their Councillors.
- These Councillors may be employed as full-time employees by the Namakwa District Municipality.
- The Municipal Manager of the Namakwa District Municipality is Head of the municipality with the employees falling under him.

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.

- **Record 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:

- That the requester complies with all the procedural requirements contemplated in the Act relating to request, and
- 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 reason given by that requester, or any believes by the Information Officer as to what the reason for the request may be.

Requests for access to records held by the 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.org.za) ("under regulations") or the attached form. Such forms and list of fees will be incorporated in copies of this manual available from the Namakwa District Municipality's offices.

Request 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. 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 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 copy thereof.

9. HOW TO GAIN ACCESS TO THESE SERVICES

a. THE APPLICATION PROCESS

Step 1: The request

Where a person wishes to access information held by NDM, such a person must make a request for access to the relevant information in the prescribed form.

This form is available on the NDM website at www.namakwa-dm.gov.za, or may be obtained upon request to the Municipal Manager at Tel No.: 027-7128000.

The completed request form may be submitted to:

The Municipal Manger
Mr C Fortuin

Street address: 20 Van Riebeeck street
Springbok
8240

Postal address: Private Bag X20
Springbok
8240

Telephone : 027 7128000

Fax: 027 7128040

e-mail: garyc@namakwa-dm.gov.za

Step 2: Validation and acknowledgement

The information officer receives and validates the request to see whether the required information is available within NDM. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the request is accepted, NDM will gather and prepare the information and calculate the relevant cost involved. The cost is calculated in terms of the tariff list.

Step 4: Final notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to NDM.

Step 5: Payment and delivery

Once the payment as stipulated in step 4 is received (following the same payment process as stipulated in step 1), the information is released to the requester.

General Information

The prescribed form must be completed with enough particularity to at least enable the information Officer to identify:

- The record of records requested;
- The identity of the requester;
- Which form of access is required, if the request is granted, and
- The postal address or fax number of the requester.

NDM will process the request within 30 days, unless the requester has stated special reasons, which would satisfy the Information Officer, which circumstances dictate that the above time periods should not be complied with.

The 30-day period within which NDM has to decide whether to grant or refuse the request may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original 30-day period. NDM will notify the requester in writing should an extension be sought.

10. 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.

11. RECORDS HELD BY NAMAKWA DISTRICT MUNICIPALITY

We maintain records on the following categories and subject matters. However, please note that recording categories and subjects 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.

11.1 INTERNAL RECORDS

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

11.2. 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 service 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 record includes the following:

- Any personnel 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.

11.3 WORK-RELATED RECORDS

Work-related information includes the following:

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

11.4 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 ad opposed to being held by the Namakwa District Municipality; and
- Records held by Namakwa District Municipality pertaining to other parties, including financial records, correspondence, contractual records, records provided by other party, and records third parties have provided about the contractors/suppliers.

12. PRESCRIBED FEES

The Act set out two types of fees, namely a request fees, namely a request fee and an access fee, that are required to be paid prior to Namakwa District Municipality accessing the required for information. A personal requester, i.e a requester who requests access to a record containing personal information is not 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 search, preparation, reproduction and for any time that has exceeded the prescribed hours 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. Records

13. AVAILABILITY OF THE MANUAL

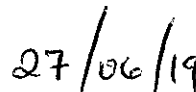
A copy of this Manual is available on our website (www.namakwadistrictmunicipality.gov.za) or by sending a request for a copy to the Namakwa District Municipality Information Officer or Deputy Information by email. The Manual may also be obtained from any of our offices (Regulation R187 of 15 February 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.

14. UPDATIING 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.



.....
MUNICIPAL MANAGER



.....
DATE

FEES IN RESPECT OF PUBLIC BODIES

Annexure 1

**ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE OF
15 FEBRUARY 2002**

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 2)

FOR DEPARTMENTAL USE	Reference number:
Request received by (state rank, name and surname of the information officer/deputy information officer) on (date) at (place).	
Request fee (if any): R : Receipt No.....	
Deposit (if any): R : Receipt No.....	
Access fee: R	
SIGNATURE OF INFORMATION OFFICE/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:

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.

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.

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:			
<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"/>		<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:			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer-readable form* (stiffy or compact disc)
*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
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/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 20..

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE.

.....