



**MANUAL IN TERMS OF SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION
ACT, 2000 (ACT No. 2 OF 2000)**

Version Control		
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Contact Details

1. Postal Address

- a. Private Bag X 44
Mogwadi
0715

2. Physical Address

- a. No 303 Church Street [**Mogwadi main office**]
Mogwadi
0715
015 501 0243/4
Fax: 015 501 0419
- b. 25 Cnr. Roets & Vivirers Street [**Morebeng municipal office**]
MOREBENG 0810
Tel: 015 397 4333 / 015 397 4327
Fax: 015 397 4334
- c. Drivers License Testing Centres
 - i. Mogwadi Traffic Tel : 015 501 360
Fax : 015 501 364
 - ii. Sekgosese Traffic Tel : 015 397 4325
Fax : 015 397 4322

3. Website and Email addresses

Website address: www.molemole.gov.za

E-mail address : info@molemole.gov.za

1. INTRODUCTION

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996 (act 108 of 1996) determines that everyone has a right of access to any information held by the State. Section 32(1)(b) of the Constitution provides for the horizontal application of the right of access to information held by another person to everyone when that information is required for the exercise or protection of any rights;

Furthermore, Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. As a result, the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) was promulgated in March 2001 to give effect to section 32 (2) of the Constitution. The purpose of the act is to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

Section 9 of PAIA however recognizes that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- (a) The reasonable protection to privacy;
- (b) Commercial confidentiality;
- (c) Effective, efficient and good governance.

Section 14(1) of PAIA stipulates that the Information Officer of the Public body must compile a manual in at least three official languages containing information on the Public Body for public consumption. It is in light of the above that Molemole Local Municipality (MLM), in acknowledging that it is a public body, do hereby present section 14 manual in terms of PAIA.

2. PURPOSE

The purpose of this manual therefore is to inform the public and the municipal stakeholders about functions and records of the municipality and how to access same.

The provision of any information in addition to that specifically required in terms of Section 14 of the Act does not create any contractual right or entitlement to receive such information, other than in terms of the Act.

3. AVAILABILITY OF THE MANUAL

A copy of this manual is available for inspection at no cost all our municipal service points as well as on our municipal website (www.molemole.gov.za). Furthermore this manual is available in the following languages:

- Sepedi
- English
- Afrikaans

4. FUNCTIONS AND STRUCTURES OF MLM

4.1 Mandate of the municipality

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

The Municipality has the function to carry out its constitutional mandate by striving within its financial and administrative capacity to achieve the objects of local government as set out in section 155 of the Constitution, namely:

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

Furthermore, our specific mandate is derived from the following legislative frameworks:

- White Paper on Local Government, 1998
- Municipal systems Act, 2000 (Act 32 of 2000)
- Municipal Structures Act, 1998 (Act 117 of 1998)
- Municipal Finance Management Act, 2003 (Act 56 of 2003)
- Municipal Property Rates Act, 2004 (Act 6 of 2004)
- The National Archives Act, 1996 (act 43 of 1996)
- Municipal Demarcation Act, Act No. 27 of 1998

4.2 Vision, Values and Mission

Vision

"Provision of affordable and sustainable services through community participation"

Mission

"To provide essential, affordable quality services to communities efficiently and effectively in a transparent and accountable manner".

Values

- Integrity
- Transparency
- Excellence
- Equity
- Trust
- Honesty
- Respect
- Fairness
- Partnership
- Accountability

4.3 Municipal wide objectives

1. Municipal Transformation & Institutional Development:
To ensure that institutional structures and plans are properly resourced to respond to transformational objectives.
2. Basic Services and infrastructure development:
To improve provision and development of reliable & affordable municipal services.
3. Local Economic Development:
To unlock economic potential by creating a suitable environment for investment to facilitate economic growth.
1. Financial Viability:
To ensure sound financial management and self sustainable organization.
2. Good Governance and Public Participation:
To ensure that institutional arrangements are transparent, efficient and effective to ensure that good governance & public participation is sustained and enhances transparency and accountability.
3. Spatial Rationale:
To promote orderly development by implementing integrated development planning and spatial rationale principles.

4.4 Composition of the municipality

The MLM is a juristic person with perpetual succession as established in terms of the demarcation notice as LIM353 in the extraordinary provincial Gazette 100 of October 2000. The municipality is classified as a Category B municipality in terms of the Municipal Demarcation Act, Act No. 27 of 1998.

The municipality consists of three core branches, namely: **The community, Council** and Administration. Council consists of 27 councillors which are allocated in the following manner:

Ward Councillors	PR Councillors	Local Reps to District Council	Total Councillors
14	11	02	27

The party representation for Council is as follows:

Name of Political Party	No. of Party Representation
African National Congress	24
Democratic Alliance	1
Congress of the People	1
African Christian Democratic Party	1

The total population of the municipality is 100 408 with 14 wards. Each ward consists of 10 Ward Committee members totaling 140 ward committee members in all the wards.

The Municipality has the Mayor who is the Chairperson of Executive Committee (EXCO), which is the executive wing of the Municipality and the Speaker who is the Chairperson of Council, the highest decision-making body of the Municipality. The EXCO comprises of five members: the Mayor; and Chairpersons of the following Portfolio Committees that look at the daily activities of the Municipality and report directly to the EXCO:

- a. Corporate Services
- b. Community Services
- c. Economic Development & Planning
- d. Finance Services

- e. Infrastructure Development

The following office bearers are designated as fulltime councillors:

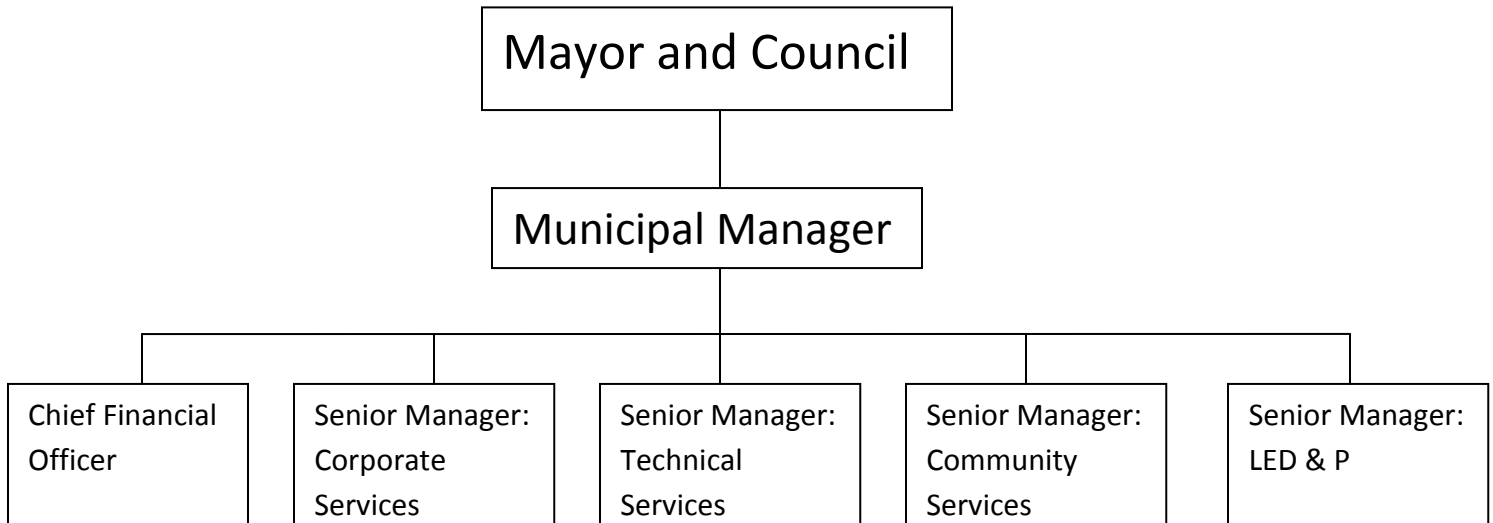
- a. The Mayor
- b. The Speaker
- c. The Chief Whip

Administration consists of the following departments:

Department	Main functions of the department
Municipal Manager	Overall monitoring of all activities of the municipality. Ensure resources of the municipality are utilized in a way that provides good value for the community. Advice council on matters relating to the functioning of the municipality
Budget & Treasury	Revenue, Expenditure, Budgeting and reporting, Asset Management
Corporate Services	Administration, Human Resource Management, Council Support, Legal services
Technical Services	Road maintenance, Water and Sanitation, Electricity
Community Services	Traffic and Law enforcement, Environmental Management, Refuse removal, Free basic water
Local Economic Development & Development	Town Planning and building inspection, Spatial development, Community Economic Development

4.5 Organizational Structure of MLM

The organizational structure of the Municipality described herein below reflects the various functions performed by MLM



4.6 Contact details of information officer and deputy information Officers

In terms of section 14(1)(b), the manual should provide the contact of the information officer and the deputy information officers if any, postal and physical address, telephone number and e-mail address.

4.5.1 Information Officer (Municipal Manager)

The Accounting Officer is the Chief Information officer in terms of the act.

Name	Postal Address	Physical Address	Telephone Number	E-mail Address
Mr. T.D Nkoana	Private Bag X 44 Mogwadi	303 Church Street, Mogwadi 0715	015 501 0243	nkoanad@molemole.gov.za

4.5.2 Deputy Information Officers [Senior Managers]

Name	Postal Address	Physical Address	Telephone Number	Email Address
Ms M. Moabelo	Private Bag X 44 Mogwadi 0715	303 Church Street, Mogwadi 0715	015 501 0243	moabelom@molemole.gov.za
Mr. N. Keetse	Private Bag X 44 Mogwadi 0715	303 Church Street, Mogwadi 0715	015 501 0243	keetsen@molemole.gov.za

4.5.3 Deputy Information Officer [DH: Communication]

Name	Postal Address	Physical Address	Telephone Number	Email Address
Mr. P.T Molopa	Private Bag X 44 Mogwadi 0715	303 Church Street, Mogwadi 0715	015 501 0243	molopat@molemole.gov.za

5. THE HUMAN RIGHTS COMMISSION GUIDE

As per Section 10 of the Act the Human Rights Commission has a duty to compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

Enquiries on the Guide should be directed to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700

Houghton 2041

2041

Telephone +27 11 484-8300

Fax +27 11 484-0582

Website www.sahrc.org.za

E-mail paia@sahrc.org.za

UPDATING OF THE MANUAL

The municipality may, if necessary, update and publish its manual referred to in subsection (1) of Section 14, at intervals of not more than once a year.

6. SUBJECT AND CATEGORIES OF RECORDS HELD BY MLM

6.1 Nature of Services

The Municipality, in fulfilling its developmental role renders the services in terms of its vision and mission statement.

6.2 How to gain access to the municipal services

The services rendered by the Municipality can be accessed from any of the municipal service points as follows:

- Mogwadi Municipal Offices
- Mogwadi Traffic Station
- Mogwadi Library
- Morebeng Municipal offices
- Sekgosesa Traffic station
- Morebeng Library
- Municipal website

6.3 Records

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

6.4 RECORDS AUTOMATICALLY AVAILABLE (section 14 (1) (e))

The following records are available without a person having to request access in terms of the Act:-

- ✚ Organizational Structure
- ✚ Municipal contact numbers
- ✚ Departmental Policies
- ✚ Acts and Regulations governing the department's mandate
- ✚ Procedure /Process Manuals
- ✚ Citizen's report
- ✚ Integrated Development Planning (IDP).
- ✚ Newsletters
- ✚ Batho-Pele principles
- ✚ Annual report
- ✚ Budget speech
- ✚ Budget statements
- ✚ Vacancies and Bursaries
- ✚ Supplier database forms
- ✚ Schedules of meetings of Council and its committees
- ✚ Council Minutes and Agendas
- ✚ Committees agendas and minutes
- ✚ Personal Building Plans

- ✚ Budget and expenditure review
- ✚ Performance Reports
- ✚ Service Delivery and Budget Implementation Plans (SDBIP)
- ✚ Adjustments estimate of payment and receipts
- ✚ Departmental Events Calendar

The above records are available on the municipal website: www.molemole.gov.za

6.5 Categories of Records held by the municipality

The following records are available to a person after a request for access in terms of the Act and subject to such information not being excluded from disclosure in terms of the Act:

Category	Records
Human Resources Records	Human Resources policies and procedures Leave record Salaries and remuneration packages UIF Records Councillors Allowances Details Medical records of employees
Financial Information	Bank Statements and records of investments held Details of payments made to creditors Invoices and supporting documents VAT records Debtors statements and financial history
Operational Statistics and Records	Statistical Information Town planning statistical information Service disconnection/reconnection statistics
Municipal Services and Customer Records	Customers' application, registration and consumption details Libraries membership details
Property Matters	Title deeds of municipal properties Building plans Town planning enforcement records Lease agreements for properties rented by the Municipality Lease agreements for properties rented to the Municipality
General Statistics, Surveys and Audits	Audit reports Environmental Impact Assessments Demographic data for employees Records of investigations conducted and their outcomes Accident statistics and reports

Category	Records
Municipal Plans and Policy Decisions	Legislation affecting Local Government
Procurement Records	Details of quotations obtained Copies of tenders advertised and awarded Database of suppliers registration for tendering purposes Details of tenders/contracts awarded
Infrastructure	Landfill sites Electricity distribution layouts Road maps and plans for future road development

6.6 Procedure for requesting records

Section 18 of the Act provides procedural requirements for access to a record of a public body. The following procedure should be followed when requesting information from the municipality:

- 6.6.1 A request for access must be made in the prescribed form [**See form A**] to the information officer concerned at his or her address or fax number or electronic mail address.
- 6.6.2 The form for a request of access must at least require the requester concerned to provide sufficient particulars to enable the municipality to identify:
- a. The record or records requested;
 - b. Which applicable form of access referred to in section 29(2) is required;
 - c. Whether the record concerned is preferred in a particular language;
 - d. The requester must also indicate if he or she would like to copy the record or would like to inspect the record at the offices
 - e. A postal address or fax number of the requester in the Republic;
 - f. If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed;
 - g. If the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.
- 6.6.3 The completed request form may be submitted in anyone of the following ways :

By Hand:
The Information Officer
Molemole Municipality

303 Church Street
Mogwadi 0715

Post
The Information Officer
Molemole Municipality

Private Bag X 44
Mogwadi 0715

Fax

The Information Officer
Molemole Municipality
015 501 0419

6.6.4 Fees Payable

- a. There are two types of fees required to be paid in terms of the Act, being **the request fee** and the **access fee** (s22). A requester who seeks access to a record containing personal information about himself or herself is not required to pay the request fee. Any other requester, who is not a personal requester, must pay the required request fee
- b. The Act provides for two types of fees:
 - (i) A request fee of R 35.00, which will be a standard fee and must accompany the request for information.
 - (ii) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- c. When the request is received by the Information Officer, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- d. If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.
- e. The access fees payable are as follows:

Description	Cost [R]
For every photocopy of an A4-size page or part thereof	1.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	.60
To copy onto stiffer or memory stick	5.00
To copy onto a Compact Disc	60.00
For a transcription of visual images, for an A4-size page or part thereof	25.00
Copy of visual image	60.00
Transcription of audio record	12.00
Copy of Audio record	17.00
Search and prepare the record for disclosure /hour	15.00

- f. The actual postage is payable when a copy of a record must be posted to a requester.
- g. Once all prescribed fees are received the information is released to the requester.

6.7 Transfer, Deferral or Records that do not exist

- 6.7.1 If a request is made for information which is not in the possession of the Municipality, or if the information is more closely connected to another body, the request will be transferred within 14 (fourteen) days after the request has been received, to the other body/institution/organization who could provide the information.
- 6.7.2 Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representation within 30 (thirty) days as to why the information is required prior to it becoming public.
- 6.7.3 In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer will by means of an affidavit/affirmation inform the requester accordingly, giving full reasons.

6.8 REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

- 6.8.1 The main Grounds for refusal are:
- (a) Mandatory protection of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
 - (b) Mandatory protection of the commercial information of a third party, if the record contains :
 - i. trade secrets of that third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. Information disclosed in confidence by a third party to the MLM, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
 - (c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - (d) Mandatory protection of the safety of individuals, and protection of property;
 - (e) Mandatory protection of records which would be regarded as privileged in legal proceedings;
 - (f) The commercial activities of MLM, which may include :
 - i. trade secrets of MLM;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the MLM;
 - iii. information which, if disclosed could put MLM at a disadvantage in negotiations or commercial competition;
 - iv. a computer programme which is owned by MLM, and which is protected by copyright;
 - (g) The research information of MLM or a third party, if its disclosure would disclose the identity of MLM, the researched or the subject matter of the research and would place the research at a serious disadvantage.
 - (h) Request for information that are clearly frivolous, or vexatious, or which involve an unreasonable diversion of resources.

6.9 APPEALS

Molemole Municipality does not have internal appeal procedures. Anyone whose request has been declined will have to approach the courts if he/she feels the municipality did not comply with provisions of the act.

This would apply to any situation in which the requester wishes to appeal a decision made by the information Officer. Although mention is made of internal appeal procedures, this is subject to such a mechanism actually being in place in the municipality to facilitate such an internal appeal.

6.10 UPDATING OF THE MANUAL

This Manual will be updated and published in terms of section 14(2) of the Act, at intervals of not more than one year.

6.11 ARRANGEMENT FOR PUBLIC PARTICIPATION IN POLICY FORMULATION

Molemole municipality will ensure all relevant stakeholders of the municipality are encouraged to register their inputs in their policy. Molemole will from time to time utilize Council committee meetings and other public participation initiatives to ensure the community co-owns council policies.

FORM A

FORM A

REQUEST FOR ACCESS TO RECORD OF MOLEMOLE LOCAL MUNICIPALITY

(Section 18 (1) OF The Promotion of Access to information Act , 2000 (Act No. 2 of 2000)

For Office Use Only	
	Reference number: _____
Request received by _____ (State rank, name and surname of information officer/deputy information officer)	
On _____ (date) at _____ (Place)	
Request fee	R.....
Deposit (if any)	R.....
Access fee	R.....
	_____ SIGNATURE OF INFORMATION OFFICER

A. PARTICULARS OF MOLEMOLE MUNICIPALITY

INFORMATION OFFICER

Name & Designation	Postal Address	Physical Address	Telephone Number	E – mail Address

B. PARTICULARS OF THE 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, if 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 sequence folio and attach it in to this form. The requester must sign all the additional folios

1. Description of record or relevant part of record _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. FEES

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

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

Mark the appropriate box with an "X".

(a) Your indication as to the required form of access depends on the form available.

(b) Access in the form requested may be refused in certain in circumstances. In such a case you will be informed if access will be granted in another form.

The fee payable for access to the record, if any, will be determined partly by the form in which access is requested

1. If the record is in written or printed form			
	Copy of record*		inspection of record

2. If the record consists of visual images- (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the images		Copy of the Images*
			Transcription of the images

3. If record consists of recorded words or information which can be reproduced in sound –			
	Listen to the soundtrack (Audio Cassette)		Transaction 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 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 posted		

<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 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 to the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20_____

SIGNATURE: REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE