



Mossel Bay
M U N I C I P A L I T Y

POLICY NAME	PROMOTION OF ACCESS TO INFORMATION MANUAL
Directorate	OFFICE OF THE MUNICIPAL MANAGER
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1. INTRODUCTION

The purpose of the Promotion of Access to Information Act, No. 2 of 2000, (the Act) is to give effect to the constitutional right of access to any information held by the state, as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right to access to information is to foster a culture of transparency and accountability both in public and private bodies, and to 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 their rights.

Section 14 of the Act prescribes that a Public Body, such as the Mossel Bay Municipality must compile a manual. The manual should provide details of the Information Officer (and deputies, where available), structure, functions and records of such a Public Body.

The purpose of the manual is to provide information that shall enable a person to understand the functions of the Public Body and the records in its custody. Armed with that information a person shall be able to identify the records she/he wants and the procedure to follow to request for access to such records.

2. DEFINITIONS

In this manual an expression, which denotes any gender, includes the other genders, a natural person, includes a judicial person and vice versa, and the singular includes the plural and vice versa; clause headings are for convenience only and will not be used in its interpretation, and the following expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings:

- | | | |
|-----|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 | “Access fee” | means a fee prescribed for the purposes of section 22(6) of the Act; |
| 2.2 | “Data Subject” | means the person to whom personal information relates; |
| 2.3 | “Information Officer” | means the Municipal Manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, No. 117 of 1998, or the person who is acting as such; |
| 2.4 | “Information Regulator” | means the Information Regulator established in terms of section 39 of the Act; |

- 2.5 “Internal appeal” means an internal appeal to the relevant authority in terms of section 74 of the Act;
- 2.6 “Municipality” means the Mossel Bay Municipality established in terms of Section 12 of the Local Government Municipal Structures Act, No. 117 of 1998;
- 2.7 “the Act” means the Promotion of Access to Information Act, No. 2 of 2000, as amended;
- 2.8 “Personal Information” means information relating to an identifiable natural person, including, but not limited to - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;
- 2.9 “POPIA” means the Protection of Personal Information Act, No. 4 of 2013, as amended;
- 2.10 “Public Body” means any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government;

- 2.11 “Record” means any recorded in the possession or under the control of the Mossel Bay Municipality regardless of form or medium; whether or not it was created by the Mossel Bay Municipality, in exercising a power or performing a duty in terms of the Constitution or a Provincial Constitution; or exercising a public power or performing a public function in terms of any legislation; and
- 2.12 “Request fee” means the fee payable by an applicant in terms of Section 22(1) of the Act as an application fee and “**application fee**” shall have a corresponding meaning;

3. PURPOSE OF THE MANUAL

This Manual is useful for the public, *inter alia*, to-

- 3.1 check the nature of the records which may already be available at the Municipality without the need to submit a formal application in terms of the Act;
- 3.2 understand how to make a request for access to a record of the Municipality;
- 3.3 obtain all relevant contact details of the person(s) who will assist the public with the records they intend to access;
- 3.4 know all internal remedies available regarding request for access to the records, before approaching the Regulator or the Courts;
- 3.5 obtain a description of the services available to members of the public from the Municipality, and how to gain access to those services;
- 3.6 obtain a description of the guide on how to use the Act, as updated by the Regulator and how to obtain access to it;
- 3.7 know if the Municipality will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know if the Municipality has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know whether the Municipality has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed;

This Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarize himself with the provisions of the Act before lodging any request with the Municipality.

4. GUIDE OF ALL MANUALS IN THE REPUBLIC

The information Regulator has published a guide as prescribed in terms of Section 10 of the Act on how to use the Act.

The guide is available at the offices of the Information Regulator:

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg

Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017

Telephone: (010) 023 5200

Email: enquiries@info regulator.org.za

Website: <https://info regulator.org.za>

5. ESTABLISHMENT AND OBJECTIVES OF THE MOSSEL BAY MUNICIPALITY

5.1 The Municipality was established in terms of Section 12 of the Local Government: Municipality Structures Act, No. 117 of 1998 on 22 September 2000 as a Category B Municipality, Notice No. P.N. 500 dated 22 September 2000 and comprises the former Municipalities of Mossel Bay, Great Brak River and Herbertsdale and the Transitional Council of Friemersheim.

5.2 The municipal area, in terms of the Local Government: Demarcation Act, No. 27 of 1998, demarcation code WC043, is 2007 sq km in size and includes the settlements of Mossel Bay, Boggoms Bay, Brandwag, Buisplaas, D'Almeida, Dana Bay, Glentana, Fraaiuitsig, Friemersheim, Great Brak River, Hartenbos, Herbertsdale, Hershams, KwaNonqaba, Little Brak River, Outeniqua Beach, Reebok, Ruitersbos, Southern Cross, Tergriet and Vleesbaai.

5.3 In terms of Section 152 of the Constitution of the Republic of South Africa, 1996 the Municipality has the following objectives:

5.3.1 to provide democratic and accountable government for local communities;

5.3.2 to ensure the provision of services to communities in a sustainable manner;

5.3.3 to promote social and economic development;

5.3.4 to promote a safe and healthy environment; and

5.3.5 to encourage the involvement of communities and community organisations in the matters of local government.

5.4. A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in paragraph 5.3.

6. STRUCTURE OF THE MUNICIPALITY

6.1 Executive Management

The administration of the Municipality of Mossel Bay is headed by a Municipal Manager, who is also the Accounting Officer of the Municipality. Six Directors report to the Municipal Manager.

The functions of the Office of the Municipal Manager and six directorates are as follows:

6.1.1. Office of the Municipal Manager

The Office of the Municipal Manager is responsible for Internal Audit, Institutional Performance and Communication with the Directorates listed below reporting to the Office of the Municipal Manager.

6.1.2. Directorate Community Services

The Directorate is responsible for the provision of Waste Management and Pollution Control, Library Services, Community Development, Horticulture and Recreation and the Thusong Centre.

6.1.3. Directorate Corporate Services

The Directorate is responsible for Administrative Support Services which include the Secretariat, Typing Services, Archives, Switchboard and Cleaning, Information Communication Technology, Human Resources Management and Strategic Services.

6.1.4 Directorate Financial Services

The Directorate is responsible for Financial Administration, Budget & Reporting, Revenue Services, Expenditure and Supply Chain Management.

6.1.5 Directorate Planning and Economic Development

The Directorate is responsible for Town & Regional Planning, Integrated Human Settlements, Building Development, Economic Development and Tourism and Support & Administration.

6.1.6 Directorate Infrastructure Services

The Directorate is responsible for Electrical Services; Civil Services (Water and Sewer, Water & Wastewater Treatment and Roads, Transport and Stormwater and Project Management Unit) and Mechanical Services & Fleet Management (Pump Stations, Telemetry, Desalination Plant and Fleet Management).

6.1.7 Directorate Community Safety

The Directorate is responsible for Community Safety, Fire, Rescue and Disaster Management Services and Environmental Management.

6.2 Council

Mossel Bay at present has 15 Ward Councillors and 14 proportional representative Councillors. Mossel Bay introduced an executive mayoral system, consisting of an Executive Mayor, Executive Deputy Mayor and the Councillors heading five standing committees through which Council conducts its affairs. The Executive Mayor, the Executive Deputy Mayor and the Chairpersons of the standing committees constitute the Mayoral Committee.

Council also has a Speaker who chairs Council meetings, and ensures compliance of the Council's code of conduct, rules and orders. The Speaker has ex officio sitting on the Mayoral Committee but does not have voting rights. The Executive Mayor, Executive Deputy Mayor, the Speaker and the above mentioned committee chairpersons are full-time Councillors.

6.2.1 Mayoral Committee

The Councillors serving on the Mayoral Committee, as well as the portfolios they chair is set out below:

- Alderman Dirk Kotzé - Executive Mayor
- Alderman Cliffie Bayman - Deputy Executive Mayor (Planning and Economic Development)
- Alderlady Venolea Fortuin - Speaker
- Alderman Niklaas Booisen – Councillor (Community Services)
- Alderman Anton Dellelijn – Councillor (Infrastructure Services)
- Alderman Mark Furness – Councillor (Financial Services)
- Councillor Nicolette le Roux – Councillor (Corporate and Governance Services)

- Councillor Leon van Dyk – Councillor (Community Safety)

6.2.2 Ward Councillors

The Councillors representing each ward, as well as the political party they represent is set out below:

- Ward 1: Councillor Sibabalo Dubula (ANC)
- Ward 2: Councillor Noxolo Gwaza (ANC)
- Ward 3: Councillor Zithulele Matyesini (ANC)
- Ward 4: Councillor Annatjie Janse van Rensburg (DA)
- Ward 5: Alderman Anton Dellelijn (DA)
- Ward 6: Alderman Mark Furness (DA)
- Ward 7: Councillor Stephan Botha (DA)
- Ward 8: Councillor Lodewyk Coetzee (DA)
- Ward 9: Vacant
- Ward 10: Councillor Leon van Dyk (DA)
- Ward 11: Councillor Nicolette le Roux (DA)
- Ward 12: Councillor Witness Buda (ANC)
- Ward 13: Alderlady Rosina Ruiters (DA)
- Ward 14: Councillor Donovan Claassen (DA)
- Ward 15: Councillor Mzwandile Mkonto (ANC)

6.2.3 Councillors

A full list of Councillors of the Municipality may be obtained from the Municipal Website, alternatively the list may be requested from the Municipal offices.

Website: www.mosselbay.gov.za

7. DETAILS OF INFORMATION AND DEPUTY INFORMATION OFFICERS

7.1 Information Officer

Designation: Municipal Manager

Address: 101 Marsh Street / Po Box 25
Mossel Bay 6500

Telephone Number: (044) 606 5000

E-mail address: admin@mosselbay.gov.za

7.2 Deputy Information Officer

Senior Manager: Legal Services

7.3 The Deputy Information Officers, under the direction and guidance of the Information Officer, ensure the implementation of the Act by the Municipality, and provide assistance to anyone who, in terms of the Act, wants to access records of the Municipality.

8. REQUEST FOR ACCESS TO A RECORD OF THE MOSSEL BAY COUNCIL

The Mossel Bay Municipality keeps record of all correspondence, agendas, resolutions, building plans, town planning maps and other information relating to all municipal services. The Municipality keeps record of inter alia the following:

8.1 Office of the Municipal Manager

All information pertaining to the undermentioned and records relevant to the specific responsibilities of the Municipal Manager.

8.2 Community Services

Records pertaining to libraries, development projects, parks, cemeteries and recreation as well as cleansing matters, waste management and pollution, Community Halls and Resorts.

8.3 Corporate Services

Human resources, staff records, personnel conditions of service and procedures, information pertaining to the full spectrum of personnel, Council agendas and minutes and records control/archives.

8.4 Financial and accounting records

Asset registers, bank account details, financial statements, budgets, expenditure and income control, valuations, land and property tax, loans, funds, investments, insurance, indigent support and internal and external audit reports. Information Technology, Supply Chain Management, Tender- and Quotation registers.

8.5 Technical Services

All information pertaining to electro technical matters and Civil Services such as Water and Sewer, Mechanical Services (Pump station), Telemetry and Fleet Management and Roads, Transport and Stormwater.

8.6 Development and Planning

All information pertaining to development and planning matters. Records pertaining to building matters such as building plans, building clause registers, as well as town planning and – development, Municipal Properties, Rental agreements and Human Settlement (Housing).

8.7 Community Safety

All information pertaining to law enforcement, traffic, fire, rescue, disaster and environmental services.

9. METHOD TO GAIN ACCESS TO INFORMATION AND FEES

In the event of a member of the public requiring information from the Mossel Bay Municipality in terms of the provision of the Act, the following procedure should be followed:

- 9.1 The request must be made in writing on the prescribed Form 2, attached as Annexure A, and send with the receipt of payment of the application fee of R100.00 to:

The Municipal Manager

Per Registered Post:

P.O. Box 25

MOSSEL BAY

6500

Per email:

admin@mosselbay.gov.za

Hand delivered:

Municipal Manager

Mossel Bay Municipality

101 Marsh Street

Mossel Bay

- 9.2 The application should state clearly what information is required in order for the official to identify
- 9.2.1 The records requested;
 - 9.2.2 The applicant;
 - 9.2.3 Whether the information is publicly available;
 - 9.2.4 Whether the information is mandatory protected / private information
 - 9.2.5 To establish under which Directorate the information is held.
- 9.3 Applicant requiring assistance with the completion of the form may also contact the office of Legal Services who will provide assistance with the completion of the documents.
- 9.4 The Information Officer must respond to the applicant regarding the progress of the application within thirty (30) days of receipt of the application, informing the applicant of the outcome of the application.
- 9.5 If the application form is not completed correctly the Information Officer will liaise with the Applicant in order to obtain the outstanding information.
- 9.6 A list of the current prescribed fees is attached hereto as Annexure C

10. REFUSAL TO ACCESS TO RECORDS

The Information Officer or Deputy Information Officers may refuse access to records under certain circumstances as provided for in Chapter 4 of the Act.

11. INTERNAL APPEALS

If an applicant has been informed of the outcome of his application and feels aggrieved by the outcomes, the applicant may appeal to the Information Officer as follows:

- 11.1 An internal appeal –
- 11.1.1 Must be lodged in the prescribed Form 4, attached as Annexure B:

- 11.1.1.1 within sixty (60) days of receipt of the outcomes;
- 11.1.1.2 if notice to a third party is required by section 49(1)(b), within thirty (30) days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken;
- 11.1.1.3 must be accompanied by the prescribed appeal fee (R50.00);
- 11.1.1.4 Must be delivered or sent to the Information Officer at his address or email address;
- 11.1.1.5 Must identify the subject of the internal appeal and state the reason for the internal appeal and may include any other relevant information known to the appellant;
- 11.1.1.6 If, in addition to a written reply, the appellant wishes to be informed of the decision of the internal appeal in any other manner, he/she must state the manner and provide the necessary particulars to be so informed;
- 11.1.1.7 Must specify a postal address or fax number.

12. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

The following categories of record of the Mossel Bay Municipality are automatically available without a person having to request access in terms of the Act, provided that the information is not older than ten years:

12.1. Business details of Council

Name, locality, address, telephone numbers, contact persons, hours of business, etc, of all council offices, depots, installations, facilities and amenities.

12.2. Minutes

Minutes of all meetings of Council, excluding minutes which have been marked "in-committee" (confidential).

12.3. Councillors

Information regarding any Councillors such as name, political affiliation, his/her position in Council, Committee membership, full-time or part time.

12.4. Structures of Council/Committees

The composition, names of members, office bearers, political membership, time and venue of meetings.

12.5. Municipal Legislation, By-laws and Policies

All documents in this regard.

12.6. Delegations of Powers

The document as approved by Council.

12.7. Budget

Budget and Integrated Development Plan (IDP) as approved by Council.

12.8. Tariffs, Fees and Surcharges

All tariffs, fees and surcharges approved by the Council for any financial year.

12.9. Publications

All publications by and on behalf of the Municipality and which had been made public or presented to Council and in which no copyright is held by persons or bodies not connected with the Municipality.

12.10. Planning

The Zoning of individual erven/land and structure (building) plans may be provided to third parties in order to protect their rights after redaction of personal information;

Property valuation information will not be provided to any applicant prior to receiving the permission from the owner of the erf as this is seen as personal information.

12.11. Organisational Structure

Organograms and staff structure.

13. GENERAL INFORMATION

The Information Officer or any Deputy Information Officer may be contacted for further information which is not contained in this manual. This manual is subject to change due to regulations and amendments in terms of this Act. If there is any conflict between this manual and the Act, the Act will prevail.

14. PROCESSING OF PERSONAL INFORMATION

14.1 Purpose of Processing

14.1.1 Personal information is processed to comply with the Municipality's constitutional and legislative mandates.

14.1.2 Personal information is used for:

14.1.1.1 Human Resources and employment purposes such as recruitment, selection and placement, administration of compensation and benefits, performance management and training.

14.1.1.2 Risk management

14.1.1.3 Planning

14.1.1.4 Procurement of goods and services; and

14.1.1.5 Rendering of services

14.1.1.6 Complying with and enforcing of applicable legislation

14.2 Description of the categories of Data Subjects and the information or categories of information relating thereto that may be processed

14.2.1 Natural Persons Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique identifier/Identity Number and confidential correspondence

14.2.2 Juristic Persons Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets

14.2.3 Employees Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

14.3 Description of recipients or categories of recipients to whom the personal information may be supplied

The Municipality may supply; with or without the consent to the data subject certain personal information to the following potential third parties:

- 14.3.1 The South African Police Services;
- 14.3.2 The South African Qualifications Authority;
- 14.3.3 Internal Municipal Departments;
- 14.3.4 Other organs of state;
- 14.3.5 The bond holder of the subject property;
- 14.3.6 Credit Bureaus
- 14.3.7 Third parties requesting information for compulsory public participation purposes in order to comply with legislative prescribes.

14.4 Planned transborder flows of personal information

The Municipality stores all personal information within South Africa. No transborder flows of personal information are anticipated.

14.5 General Description of Information on Security Measures to be implemented by the Mossel Bay Municipality to ensure the confidentiality, integrity and availability of the information

- 14.5.1 The Municipality takes reasonable technical and organizational measures to secure the integrity of personal information and special personal information and uses accepted technological standards to prevent unauthorized access to or disclosure of personal information and special personal information in order to protect personal information from misuse, loss, alteration and destruction.
- 14.5.2 These measures include, among others, the use of firewalls, backups, antimalware on all windows devices, IT Service Continuity, authentication procedures and the Cyber Security Awareness program.

15. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

A person who wishes to object to the processing of his personal information in terms of Section 11(3)(a) of POPIA, must submit the objection to the Municipality by email or hand on the form as attached hereto and marked as Annexure D for consideration by the Municipality.

16. REQUEST FOR CORRECTION; DELETION OR DESTRUCTION OF A RECORD OR PERSONAL INFORMATION

A person who wishes to request that their information be corrected; deleted or destructed, must submit an application by email or hand on the form as attached hereto and marked as Annexure E for consideration by the Municipality.

17. ACCESSIBILITY AND AVAILABILITY OF THE MANUAL

This manual may be accessed on the Municipality`s website or an electronic copy thereof may be requested.

A fee for a copy of the manual shall be payable per each A4-size photocopy made.

18. UPDATING OF THE MANUAL

The Municipality will, if necessary, update and publish, on the Municipal website, this manual annually.