

SETSOTO LOCAL MUNICIPALITY

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL (PAIA)



INDEX

CONTENTS	PAGE NR
1. INTRODUCTION	4
2. SCOPE	4
3. THE MANUAL	
3.1 Availability of the Manual	5
3.2 Updating of the Manual	5
4. FUNCTIONS AND STRUCTURE OF SETSOTO MUNICIPALITY	
4.1 Functions	5
4.2 Structure	6
4.2.1 Municipal Council	6
4.2.2 Office of the Municipal Manager	6
4.2.3 Directorate : Financial Services	7
4.2.4 Directorate : Corporate Services	7
4.2.5 Directorate : Technical Services	7
4.2.6 Directorate : Economic and Community Services	8
4.3 Schematic Diagram of Structure	9
5. CONTACT DETAILS OF INFORMATION OFFICER	9
6. POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION	9
7. WHO MAY REQUEST ACCESS TO INFORMATION	9
8. SECTION 10 GUIDE ON HOW TO USE THE ACT`	10
9. DESCRIPTION OF SUBJECTS ON WHICH THE MUNICIPALITY HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT	
9.1 Financial Services	11
9.2 Corporate Services	11
9.3 Technical Services	11

9.4	Economic and Community Services	11
9.5	Office of the Municipal Manager	11
10.	CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF THE ACT	
10.1	Financial Services	12
10.2	Corporate Services	12
10.3	Technical Services	12
10.4	Economic and Community Services	12
10.5	Office of the Municipal Manager	12
11.	ARRANGEMENT OR PROVISION FOR A PERSON (OTHER THAN A PUBLIC BODY) TO MAKE REPRESENTATION OR OTHERWISE TO PARTICIPATE IN OR INFLUENCE THE FORMULATIONS OF POLICY	12
12.	THE REQUEST PROCEDURE	
12.1	General	12
12.2	Procedure	13
12.3	Remedies available in terms of the Act or a failure to act by the Municipality : Manner of Internal Appeal and Appeal Fees	13
12.4	Grounds for Refusal of a Request	14
13.	PRESCRIBED FEES	20
14.	FURTHER INFORMATION	20
15.	ANNEXURES	
	Annexure A - Request Form and Appeal Form	
	Annexure B - Schedule of Prescribed Fees	

SETSOTO MUNICIPALITY

MANUAL IN RESPECT OF PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000

1. INTRODUCTION

The Promotion of Access to Information Act, Act 2 of 2000, which came into effect on 09 March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

Section 11 (1) of the Act establishes the following statutory rights of requestors to a record of a public body if:

- (a) the requestor complies with all the procedural requirements in the Act relating to a request for access to that record; and
- (b) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act.

Section 14 of the Act obliges public bodies to compile a Manual which would assist an individual to obtain access to the records of such a body and stipulates the minimum requirements a Manual has to comply with.

2. SCOPE

This Manual has been prepared by Setsoto Municipality. It is published in accordance with the requirements of Section 14 of the Act to facilitate access to records held by Setsoto Municipality in terms of the Act.

Specifically the manual provides information on the following:

- Functions and Structure of Setsoto Municipality.
- Contact Details of the Information Officer who will deal with the requests.
- The subjects and categories of records that are held by Setsoto Municipality.
- Records that are automatically available without a person having to submit a formal request.
- Records that must be formally requested.
- The procedure that needs to be followed to obtain access to a record.

3. THE MANUAL

3.1 AVAILABILITY OF THE MANUAL

Copies of the Manual is available at the following offices of Setsoto Municipality:

HEAD OFFICE - (Information Officer)

Voortrekker Street
Ficksburg
9735

CLOCOLAN OFFICE - (Admin Liaison Officer)

Dirkie Uys Avenue
Clocolan
9735

MARQUARD OFFICE - (Admin Liaison Officer)

40 Louis Trichardt Street
Marquard
9610

SENEKAL OFFICE - (Admin Liaison Officer)

10 Van Riebeeck Street
Senekal
9600

Copies of the Manual can also be obtained from the Information Officer at a cost of R25-00. This amount covers the reproduction of the document.

3.2 UPDATING OF THE MANUAL

The Manual will be updated annually before 30 June of each year if required.

4. FUNCTIONS AND STRUCTURE OF SETSOTO MUNICIPALITY

4.1 FUNCTIONS

The powers and functions assigned to the new Municipality are stipulated in sections 156 and 229 of the Constitution and Sections 83 and 84 of the Local Government: Municipal Structures Act, 1998 as amended.

More specifically, the powers and functions of the Municipality relating to Section 84 of the said Act were promulgated in Provincial Notice No 126 dated 30 June 2005 and are as follows:

Section 84 (1)(e) Solid Waste

Section 84 (1)(f)	Roads
Section 84 (1)(j)	Fire fighting services
Section 84 (1)(l)	Cemeteries and crematoria
Section 84 (1)(n)	Municipal public works relating to any of the above functions

4.2 STRUCTURE

Setsoto Municipality comprises of four towns, namely Ficksburg, Clocolan, Marquard and Senekal. The Head Office is situated in Ficksburg with offices in each of the other three towns. The municipality comprises of the following structures:

4.2.1 Municipal Council:

The current Council as elected during May 2011, is made up of 35 councillors, including the Mayor and Speaker and this forms the political structure of the Municipality. Setsoto Municipality is a category B municipality with the collective executive system combined with a ward participatory system. There are eighteen (18) ward committees, six (6) Section 80 committees and the Executive Committee. The Executive Committee is the principal committee of Council. The following Section 80 committees are established:

- Finance Committee
- Urban Planning and Housing Committee
- Admin and Human Resources Committee
- Infrastructure Committee
- Social Development Committee
- Community Services Committee

The full time Political Office Bearers are the Mayor, Mr Tsheliso Bernard Jakobo and the Speaker, Mr Pius Mohlomi.

4.2.2 Office of the Municipal Manager

The Municipal Manager, Mr S T R Ramakarane, is the Head of Administration in terms of Section 55 of the Municipal Systems Act, Act 32 of 2000. He is responsible for the Management of the Municipality and all its Departments and is also the contact between the Political Structures and the Administration. The IDP/PMS Division, Audit Division as well as the IT Division, all reside within the Office of the Municipal Manager.

Departments within the Municipality with respective Directors are as follows:

- Director : Financial Services : Vacant (Acting : Mr N van Tonder)
- Director : Corporate Services : Mr T P Masejane
- Director : Economic and Community Services : Mr M K Ntheli
- Director : Technical Services : Vacant (Acting : Mr W Mocheke)

4.2.3 Directorate : Financial Services

The Department is responsible for all financial services:

- **Income and Budget&Statements Division**
The division is responsible to collect all income to Council to ensure that funds are available for projects and other services that must be rendered and ensures that a Budget and Financial Statements is compiled annually which is in line with relevant legislations
- **Expenditure Division**
The division is responsible for the Expenditure Control of the Municipality to ensure that all creditors are paid regularly and that all expenditure with regards to services are met regularly and in time.
- **Supply Chain Management Division**
The division is responsible for procurement of goods and services in line with Supply Chain Management Legislation, Regulations and Policy.

4.2.4 Directorate : Corporate Services

- **Admin & Support Services**
The division is responsible for administrations, notifications of meetings, taking of minutes, distribution of agendas, record keeping, typing, switchboard, repographic services, transport, cleaning and general support services.
- **Human Resource Services**
This division is responsible for all issues relating to personnel management, skills development, occupational health and safety and labour relations.
- **Legal and Communication**
All issues relating to legal representations and communication is dealt with by this division.
- **Human Settlement Division**
The division is responsible for Housing Projects, provision of erven for housing and administering all lands, camps, properties of Council as well as identification and planning of new townships establishments.

4.2.5 Directorate : Technical Services

This department is responsible for provision of basic services in all Setsoto units:

- Water Services
- Sewerage Services
- Electricity Services
- Roads and Stormwater
- PMU Division – (Project Management Unit)

4.2.6 Directorate : Economic and Community Services

- **Waste Management, Parks, Cemeteries and Properties Division**

The services delivered in the abovementioned sections are:

- ✓ Waste Management
- ✓ Parks
- ✓ Town Halls
- ✓ Properties
- ✓ Cemeteries
- ✓ Swimming pool
- ✓ Caravan Park
- ✓ Sport facilities

- **Protection Services**

This division is responsible for security services, traffic services and disaster management as well as other related matters.

- **Library Services**

The division is responsible for the social upliftment of the community by providing information and ensuring availability of a wide range of literature.

- **Local Economic Development & Tourism**

The division is responsible to promote development of SMME's, promote Local Economic Development, expand and diversify agricultural sector and enhance industrial and commercial development, as well as tourism and mining development.

5. **CONTACT DETAILS OF INFORMATION OFFICER**

The Office of the Municipal Manager of Setsoto Municipality has delegated its power in terms of the Act to the Information Officer, who will process all requests in terms of this Act on their behalf. All request in terms of the Act must be addressed to:

Information Officer	Deputy Information Officer
Municipal Manager	Director : T P Masejane
General Information	General Information
Physical Address: Voortrekker Street FICKSBURG 9730	Physical Address: Voortrekker Street FICKSBURG 9730
Postal Address: P O Box 116 FICKSBURG 9730	Postal Address: P O Box 116 FICKSBURG 9730
Tel: (051) 933-9300 (051) 933-9302	Tel: (051) 933-9300 (051) 933-9303
Fax: (051) 933-3321	Fax: (051) 933-9309
E-mail: tshepiso@setsoto.co.za manager@setsoto.co.za	E-mail: masejane@setsoto.co.za directorcorporate@setsoto.co.za

6. **POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION**

Setsoto Municipality will protect the confidentiality of information provided to it by individuals or others, subject to Setsoto Municipality’s obligations in terms of any applicable law.

7. **WHO MAY REQUEST ACCESS TO INFORMATION**

The Act provides that a person may only request information in terms of the Act, if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities and are thus classified in different categories:

- A personal requestor - that is a person who requests information about him/herself.
- An urgent requestor - that is a person requesting information on behalf of someone else.
- A third party requestor - that is a person requesting information about someone else.
- A public body requests information in the public interest.

8. SECTION 10 GUIDE ON HOW TO USE THE ACT

The Human Rights Commission is required by law to compile a guide that will include the following:

- A description of the objects of the Act;
- The relevant information of every private body as applicable;
- The manner and form in which requests must be lodged;
- The remedies available to requests should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access;
- A reference to any regulations passed;

This Guide will be available from the South African Human Rights Commission.

Any queries relating thereto must be directed to:

Physical Address

Braampark Forum 3,
33 Hoofd Street,
Braamfontein

Postal Address

The Research and Documentation Department
South African Human Rights Commission
PAIA Unit
Private Bag 2700
HOUGHTON
2041

Tel Nr : (011) 887 3600

Website : www.sahrc.org.za

All PAIA Enquiries can be directed to the following officials at Human Rights Commission.

- Jerry Mokadikwa - 011 877 3640 jmokadikwa@sahrc.org.za
- Foaad Moola - 011 877 3769 fmoola@sahrc.org.za

9. DESCRIPTION OF SUBJECTS ON WHICH THE MUNICIPALITY HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT

9.1 FINANCIAL SERVICES

Budget, Financial Statements, Financial Records & Printouts, Valuation Roll, Assets Register, Monthly Financial Reports, Financial Policies, Requisitions & Orders, Databank Forms for Providers, Indigent Register, Bank Account Details.

9.2 CORPORATE SERVICES

Agendas and Minutes of Standing Committee, Exco and Council Meetings, Council Vehicle Control Documents, Employment Equity Reports, Personnel Files and related documents, Employment Contract, Lease/Rental Contract, Human Resource Policies, Bylaws, Legislation & Ordinances, Provincial Gazettes, Title Deeds, Housing Administration and Project Information, Advertisements, Town Planning Scheme, Resolution Register, Departmental Monthly/Quarterly Reports, Skills Development Plan, Erven Files and Personnel Databank.

9.3 TECHNICAL SERVICES

Policies, Bylaws, Building Plans, Service Plans, Master Plans, Tender Reports & Contracts, Tender Notices, Project Business Plans, Infrastructure Maps, Departmental Reports.

9.4. ECONOMIC AND COMMUNITY SERVICES

Integrated Waste Management Plan, Environmental Impact Assessments on usage of land(Landfill sites and cemeteries), Cemetery registers, Information at Libraries (Newspapers, Magazines, Non Fiction and Fiction Books), All relevant forms as per National Road Traffic Act, Fire Brigade Services Act, Disaster Management Act, Court Registers, Monthly Programmes, Charge Lists, Account Books, Change Lists, Hawkers and Small Business Trading Licence Applications, Tourism Strategy & Plans, LED Strategy.

9.5 OFFICE OF THE MUNICIPAL MANAGER

IDP Document, PMS Document, Standing Rules and Orders, Media Statements, Press Releases and Speeches, Departmental Reports, Annual Reports, Audit Reports, Risk Assessment Plans.

10. CATEGORIES ON RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF THE ACT.

All information listed below is available without first having to submit a formal request. Information not listed below can be requested by following the formal request procedure outlined in the manual.

10.1 FINANCIAL SERVICES

Budget, Valuation Roll, Financial Policies, Bank Account Details, Tariff Information, Website Information

10.2 CORPORATE SERVICES

HR Policies, Bylaws, Legislation applicable to Municipalities, Advertisements, Website Information

10.3 TECHNICAL SERVICES

Tender Notices/Register, Policies, Bylaws, Personal Building Plans, Service Plans, Website Information.

10.4 ECONOMIC AND COMMUNITY SERVICES

Integrated Waste Management Plan, Environmental Impact Assessments on usage of land(Landfill sites and cemeteries), Library Books and Magazines, Legislations and Bylaws relevant to this division, Tourism Information, Applications forms for Hawkers and Small Business Trading Licences, Website Information.

10.5 OFFICE OF THE MUNICIPAL MANAGER

IDP Information, PMS Information, Media Statements, Press Releases, Speeches, Standing Rules and Orders.

11. ARRANGEMENT OR PROVISION FOR A PERSON (OTHER THAN A PUBLIC BODY) TO MAKE REPRESENTATION OR OTHERWISE TO PARTICIPATE IN OR INFLUENCE THE FORMULATIONS OF POLICY

Participation in Ward Committees, Public Hearing, IDP Forum. Comments may be rendered on legal notices, in respect of Budgets, Zonings, Draft Regulations, IDP, Annual Reports, Bylaws, Policies.

12. THE REQUEST PROCEDURE

12.1 General

A requestor must be given access to a record of a public body if-

- the requestor complies with all the procedural requirements in the Act relating to a request for access to that record; and
- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act.

12.2 Procedure

- Access to information listed above shall be requested by:
 - completing the Prescribed Form as per Annexure B (Request Form). It should be noted that the prescribed form should be completed in full, failure to do so will result in the process being delayed.
 - providing proof of identity which is required to authenticate the request and the requester.
 - paying the prescribed fees as stated in Annexure C. However, a requestor who seeks access to a record containing personal information about that requestor is not required to pay the request fee)
- After the Information Officer has made a decision on the request, the requestor must be notified of such a decision in the manner which was requested by the requestor.
- The requestor must indicate if the request is for a copy of the record or if the requestor wants to inspect the record at the offices of Setsoto Municipality.
- Access to the aforesaid information will only be granted to the requestor in the manner requested, unless such manner would unreasonably interfere with the running and operation of Setsoto Municipality or damage its records or infringe its copyright.
- If, for practical reasons, access cannot be given in the requested manner, but in an alternative manner, then the fee for access will be calculated according to the manner that the requestor had requested.
- If the requestor is unable to read or write, or has a disability, they can make the request for the record orally. The information officer must then complete the form on behalf of such requestor and furnish the requestor with a copy of the completed form.
- The requestor must clearly indicate on the request form if they wish to be informed of the success of their request telephonically or in any manner.
- The requestor must clearly indicate on the request form the capacity in which the request is made, in the even the information is requested on behalf of somebody else.

12.3 REMEDIES AVAILABLE IN TERMS OF THE ACT OR A FAILURE TO ACT BY THE MUNICIPALITY : MANNER OF INTERNAL APPEAL AND APPEAL FEES

An internal appeal:-

- Must be lodged on the prescribed Form B (Annexure B)
 - within sixty (60) days;
 - 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;
- must be delivered or sent to the information officer at the given address, fax number or email address.
- 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.
- if, in addition to a written reply, the appellant wishes to be informed of the decision of the internal appeal in any other manner, it must state that manner and provide the necessary particulars to be so informed.
- if applicable, must be accompanied by the prescribed appeal fee.
- must specify and postal address or fax number.

12.4 GROUND FOR REFUSAL OF A REQUEST

12.4.1 A request must be refused in terms of the following sections

Section 34(1) - Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

Section 35(1) - Subject to subsection (2), the information officer of the South African Revenue Service, referred to in section 2(3), must refuse a request for access to a record of that Service if it contains information which was obtained or is held by that Service for the purposes of enforcing legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No. 34 of 1997).

Section 36(1) - Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the record contains—

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific or technical information, other than trade

secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or

- (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected;
 - (i) to put that third party at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice that third party in commercial competition.

Section 37(1)(a) - Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the disclosure of the record would constitute an action for breach of a duty of confidence owed to 50 a third party in terms of an agreement.

Section 38(a) - The information officer of a public body must refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

Section 39(1)(u) - The information officer of a public body must refuse a request for access to a record of the body if access to that record is prohibited in terms of section 60(14) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977); or

Section 40 - The information officer of a public body must refuse a request for access to a record of the body if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

Section 43(1) - The information officer of a public body must refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose—

- (a) the third party;
- (b) a person that is or will be carrying out the research on behalf of the third party;
- (c) the subject matter of the research,

to serious disadvantage.

12.4.2 A request may be refused in terms of the following sections

Section 37(1)(b) - Subject to subsection (2), the information officer of a public body may refuse a request for access to a record of the body if the record consists of information that was supplied in confidence by a third party—

- (i) the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source; and
- (ii) if it is in the public interest that similar information, or information from the same source, should continue to be supplied.

Section 38(b) - The information officer of a public body may refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair—

- (i) the security of —
 - (aa) a building, structure or system, including, but not limited to a computer or communication system;
 - (bb) a means of transport; or
 - (cc) any other property; or
- (ii) methods, systems, plans or procedures for the protection of—
 - (aa) an individual in accordance with a witness protection scheme;
 - (bb) the safety of the public, or any part of the public; or
 - (cc) the security of property contemplated in subparagraph (i)(aa), (bb) or (cc).

Section 39(1)(b) - The information officer of a public body may refuse a request for access to a record of the body if—

- (i) the record contains methods, techniques, procedures or guidelines for—
 - (aa) the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law: or
 - (bb) the prosecution of alleged offenders.

and the disclosure of those methods, techniques, procedures or guidelines could reasonably be expected to prejudice the effectiveness of those methods, techniques, procedures or guidelines or lead to the circumvention of the law or facilitate the commission of an offence;

- (ii) the prosecution of an alleged offender is being prepared or about to commence or pending and the disclosure of the record could reasonably be expected—
 - (aa) to impede that prosecution: or

- (iii) (bb) to result in a miscarriage of justice in that prosecution; or
- (iii) the disclosure of the record could reasonably be expected—
 - (aa) to prejudice the investigation of a contravention or possible contravention of the law which is about to commence or is in progress or, if it has been suspended or terminated, is likely to be resumed;
 - (bb) to reveal, or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law;
 - (cc) to result in the intimidation or coercion of a witness, or a person who might be or has been called as a witness, in criminal proceedings or other proceedings to enforce the law;
 - (dd) to facilitate the commission of a contravention of the law, including, but not limited to, subject to subsection (2), escape from lawful detention; or
 - (ee) to prejudice or impair the fairness of a trial or the impartiality of an adjudication,

Section 41(1) - The information officer of a public body may refuse a request for access to a record of the body if its disclosure—

- (a) could reasonably be expected to cause prejudice to -
 - (i) the defence of the Republic; 25
 - (ii) the security of the Republic; or
 - (iii) subject to subsection (3), the international relations of the Republic; or
- (b) would reveal information—
 - (i) supplied in confidence by or on behalf of another state or an international organisation;
 - (ii) supplied by or on behalf of the Republic to another state or an international organisation in terms of an arrangement or international agreement, contemplated in section 231 of the Constitution, with that state or organisation which requires the information to be held in confidence; or
 - (iii) required to be held in confidence by an international agreement or customary international law contemplated in section 231 or 232, respectively, of the Constitution.

Section 42(1) - The information officer of a public body may refuse a request for access to a record of the body if its disclosure would be likely to materially jeopardise the economic interests or financial welfare of The Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic.

Section 42(3) - Subject to subsection (5), the information officer of a public body may refuse a request for access to a record of the body if the record—

- (a) contains trade secrets of the State or a public body;
- (b) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or a public body;
- (c) contains information, the disclosure of which could reasonably be expected—
 - (i) to put a public body at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice a public body in commercial competition; or
- (d) is a computer program, as defined in section 1 (1) of the Copyright Act, 1978 (Act No. 98 of 1978), owned by the State or a public body, except insofar as it is required to give access to a record to which access is granted in terms of this Act.

Section 43(2) - The information officer of a public body may refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of a public body, the disclosure of which would be likely to expose—

- (a) the public body;
- (b) a person that is or will be carrying out the research on behalf of the public body;
- (c) the subject matter of the research,

to serious disadvantage.

Section 44(1) - Subject to subsections (3) and (4), the information officer of a public body may refuse a request for access to a record of the body—

- (a) if the record contains—
 - (i) an opinion, advice, report or recommendation obtained or prepared; or

(ii) an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law; or

(b) if—

(i) the disclosure of the record could reasonably be expected to frustrate the deliberative process in a public body or between public bodies by inhibiting the candid—

(aa) communication of an opinion, advice, report or recommendation; or

(bb) conduct of a consultation, discussion or deliberation; or

(ii) the disclosure of the record could, by premature disclosure of a policy or contemplated policy, reasonably be expected to frustrate the success of that policy.

Section 44(2) - Subject to subsection (4), the information officer of a public body may refuse a request for access to a record of the body if—

(a) the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body;

(b) the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was—

(i) made to the person who supplied the material; and

(ii) to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or

(c) the record contains a preliminary, working or other draft of an official of a public body.

Section 45 - The information officer of a public body may refuse a request for access to a record of the body if—

(a) the request is manifestly frivolous or vexatious: or

(b) the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

12.4.3 A request must be granted in terms of Section 46 which reads as follows:

Section 46 - Despite any other provision of this Chapter, the information officer of a public body must grant a request for access to a record of the body contemplated in section 34(1), 36(l), 37(l)(a) or (b), 38(a) or (b), 39(l)(a) or (b), 40, 41(l)(a) or (b), 42(1) or (3), 43(1) or (2), 44(1) or (2) or 45, if—

- (a) the disclosure of the record would reveal evidence of—
 - (i) a substantial contravention of, or failure to comply with, the law; or
 - (ii) an imminent and serious public safety or environmental risk: and
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

13. PRESCRIBED FEES

It should be noted that a request will not be processed until the request fee and the deposit, if applicable, have been paid. Requesters are advised that four types of fees are provided for in terms of the Act:

- **Reproduction fee** - this is payable with respect to all records that are automatically available.
- **Request Fee** - this fee is an administration fee that must be paid by all requestors before the request is considered except personal requestors (a personal requestor is a requestor seeking access containing information about the request him/herself). This request fee is not refundable.
- **Access Fee** - this fee is payable once access to a record is granted. This fee is intended to reimburse Setsoto Municipality for the costs involved in searching and preparing the record for delivery.
- **Deposit** - which is payable if Setsoto Municipality receives a request for access to information held on a person other than the requestor him/herself and the preparation for the record will take more than six hours.

A schedule of the Prescribed Fees is attached hereto as Annexure C.

14. FURTHER INFORMATION

Further information regarding this manual can be obtained from the Information Officer as indicated above.

15. **ANNEXURES**

Annexure A - Request Form and Appeal Form

Annexure B - Prescribed Fees