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# Promotion of Access to Information Act Manual

{Kareeberg Municipality}  
{July 2003}  
{No. 1}

A copy of the manual will be available for inspection at Hanastraat, Carnarvon  
8925. ([website: kareeberg@xsinet.ca.za](mailto:kareeberg@xsinet.ca.za))

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### 1. Introduction

The Promotion of Access to Information Act of 2000 came into effect in March 2001. The purpose of this Act is to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:  
PAIA Unit  
The Research and Documentation Department  
Postal Address: Private Bag 2700  
Houghton  
2041  
Phone: (011) 484 8300  
Fax: (011) 484 0582  
e-mail: [PAIA@zahrc.org.za](mailto:PAIA@zahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) should be addressed to the contact person as identified in section 5 of this manual, as he/she is our designated Information Officer.

### 2. Company overview and structure

Kareeberg Municipality is located towards the western side of the Karoo District Municipality of the Northern Cape.  
Kareeberg Municipality consists of the towns Carnarvon, Vosburg and Vanwyksvlei, as well as large rural farming areas. The area is estimated at 25 877 km<sup>2</sup>  
The head office is located in Carnarvon. Kareeberg has an estimated total population of 12413. The estimated population according to the different towns are Carnarvon (52%), Vanwyksvlei (13%), Vosburg (12%) and the farms consist of 23%.  
Afrikaans is the dominant home language in the Kareeberg area as 99% of the population speak this language.  
The Kareeberg Municipality consist of 7 councillors and 76 officials.

### 3. Scope of the Manual

(In this section, the companies within the Group (if applicable), for which this manual will be applicable, must be identified). Any exclusions should be specified and explained).

#### 4. Our corporate philosophy on access to information that we hold

The company may wish to include a piece that reflects their support of the intended purpose of the Act and their endeavor to assist requestors as far as possible etc. (i.e. to leverage their corporate image, transparency etc.).

#### 5. Administration of the Act

The Chief Executive Officer (CEO) of Kareeberg Municipality has duly authorized the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Accordingly, all requests for access to records should be addressed to:

Information Officer: Mnr. A.P.F. van Schalkwyk  
Deputy Information Officer (Administration): Mnr. N.J. van Zyl  
Deputy Information Officer (Finance): Mnr. P.B. Rossouw

Postal address: {P.O. Box 10}  
Physical address: {Hanaustreet, Carnarvon}  
Phone number: {053 - 3823012}  
Fax number: {053 - 3823142}  
e-mail address: {[kareeberg@xsinet.co.za](mailto:kareeberg@xsinet.co.za)}  
Vat registration No: 4960194399

#### 6. Form of records

Our records can be found in various forms including:

- Electronic;
- Paper;

In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

#### 7. Subjects and corresponding categories of records we hold

To facilitate the easy identification of the records we hold, we have **categorised** our records per **subject** area. The table below provides an indication of the subjects of information that we hold and the corresponding categories:

Subjects <sup>1</sup>	Categories <sup>2</sup>
Finance	<ul style="list-style-type: none"><li>• Annual financial statements</li><li>• Tax records (council and employee)</li></ul>

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- The Atmospheric Pollution Prevention Act No. 45 of 1965;
- The Health Act No. 63 of 1977;
- South African Revenue Services Act, 34 of 1997
- The Constitution of the Republic of South Africa No.108 of 1996
- Unemployment Insurance Act 63 of 2001
- Skills Development Act No. 97 of 1996
- Skills Development Levies Act No. 9 of 1999

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact 053 – 3823012. Your assistance in this regard will be most appreciated.

Notification of the availability of these records in terms of these Acts is periodically given to the Cabinet Minister of Justice.

### 9. Procedure to follow when submitting a formal request of access to a record

A request for access to a record that does not fall within the categories identified in Section 8 of this manual must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form A of Annexure B. A request form is available from our offices. The prescribed *request fee* should be attached (refer to Section 11 of this manual for more details on the fees).

Our Information Officer will respond to your request within *30 days* of receiving the request by indicating whether your request for access has been granted.

Please note that the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

*The request form must be completed as follows:*

- *Type or print in BLOCK LETTERS and answer every question.*
- *If an answer does not apply, state "N/A" in response to that question.*
- *If there is nothing to disclose in reply to a particular question, state "nil" in response to that question*
- *If there is insufficient space on a printed form in which to answer a question, additional information may be provided on a separate page that is clearly marked and referenced.*

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and

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- Notice that you may lodge an application with the court against the extension and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible within 30 days and once the *access fee* has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

### 10. Denial of access

Access may be refused under limited circumstances including:

- Protecting personal information that we (Kareeberg Municipality hold about a third person who is a natural person) from unreasonable disclosure;
- Protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in a breach of a duty of confidence owed to a third party;
- If disclosure would jeopardize the safety or life of an individual;
- If disclosure would prejudice or impair the security of property or means of transport;
- If disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings unless the privilege has been waived;
- If the record is a computer programme;
- Disclosure of the record will put Kareeberg Municipality at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Kareeberg Municipality; and
- Records containing information about research being carried out or about to be carried out on behalf of a third party or Kareeberg Municipality

### 11. Fees

The applicable fees are prescribed in terms of the regulations that relate to the Promotion of Access to Information Act. There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is for personal records of the requestor in which event there is no applicable fee). The access fee is payable prior to gaining access to the records in the required form. The applicable fees are prescribed in terms of Part II of Annexure A ( See attached)

### 12. Request for access to information about third parties

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If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process. (See form B attached)

### **13. Records that cannot be found or that do not exist**

If we searched for a record and believe that it either does not exist or cannot be found, we will notify you by way of an affidavit or affirmation that it is not possible to give you access to the requested record as we are unable to locate it. We will also provide you with details on the steps that were taken to try to locate the record.

If at a later stage the record is located, we will grant you access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

## ANNEXURE A

### GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

### PART 1 FEES IN RESPECT OF GUIDE

1. The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0.60 for every photocopy of an A4-size page or part thereof.

### PART 2 FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0.60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0.60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.40
(c) For a copy in a computer-readable form on –	
(i) stiffy disc	5.00
(ii) compact disc	40.00
(d) (i) For a transcription of visual images, for an A4-size page or part hereof	22.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12.00
(ii) For a copy of an audio record	17.00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35.00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0.60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.40



- (c) For a copy in a computer-readable form on –
  - (i) stiffy disc 5.00
  - (ii) compact disc 40.00
- (d) (i) For a transcription of visual images, for an A4-size page or part thereof 22.00
  - (ii) For a copy of visual images 60.00
- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 12.00
  - (ii) For a copy of an audio record 17.00
- (f) To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

(2) For purposes of section 22(2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable;

and

(b) One third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

**ANNEXURE B**

**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 6]**

<b>FOR DEPARTMENTAL USE</b>	Reference number: _____
Request received by _____ (state rank, name and surname of information officer/deputy information officer) on _____ (date) at _____ (place).	
Request fee (if any):	R _____
Deposit (if any):	R _____
Access fee:	R _____
_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMA- TION OFFICER	

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B. Particulars of person requesting access to the record**

- |     |   |
|-----|---|
| (a) | <i>The particulars of the person who requests access to the record must be given below.</i>                 |
| (b) | <i>The address and/or fax number in the Republic to which the information is to be sent, must be given.</i> |
| (c) | <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i>                 |

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

\_\_\_\_\_

**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

*(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*  
*(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

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 below, 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) Compliance with your request for access in the specified form may depend 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:**

copy of record\*       inspection of record

**2. If 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

<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>						
<input type="checkbox"/> listen to the sound-track (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)					
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>						
<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<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? Postage is payable.		<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input type="checkbox"/>
YES	NO					
<input type="checkbox"/>	<input type="checkbox"/>					
<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 in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record? \_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER / PERSON  
 ON WHOSE BEHALF REQUEST IS MADE**

**FORM B**

**NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

**STATE YOUR REFERENCE  
NUMBER: \_\_\_\_\_**

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Capacity in which an internal appeal on behalf of another person is lodged: \_\_\_\_\_

\_\_\_\_\_

**C. Particulars of requester**

*This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an **X** in the appropriate box:

<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

**E. Grounds of appeal**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.*

State the grounds on which the internal appeal is based: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State any other information that may be relevant in considering the appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**F. Notice of decision on appeal**

*You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

State the manner: \_\_\_\_\_

Particulars of manner: \_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**SIGNATURE OF APPELLANT**



**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on \_\_\_\_\_ (date) by \_\_\_\_\_  
\_\_\_\_\_ (state rank,  
name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on \_\_\_\_\_ (date) to the relevant authority.

**OUTCOME OF APPEAL:**

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER  
CONFIRMED/ NEW DECISION SUBSTITUTED

NEW DECISION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER  
FROM THE RELEVANT AUTHORITY ON (date): \_\_\_\_\_  
\_\_\_\_\_