



## SECTION 14 MANUAL

(IN TERMS OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000)

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## **1. INTRODUCTION**

- 1.1 The Promotion of Access to Information Act 2 of 2000 gives effect to the public's right to information from public and private bodies as contained in section 32 of the Constitution and to advance and increasingly focus on the development of good corporate governance.
- 1.2 The Drakenstein Municipality (hereinafter referred to as the 'Municipality') recognizes and is committed to fulfilling its constitutional obligations.
- 1.3 The Municipality bears in mind that the right of access to any information held by the Municipality may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic environment based on human dignity, equality and freedom as contemplated in section 36 of the Constitution and also as specified in Part 2, Chapter 4, of the Promotion of Access to Information Act.
- 1.4 This manual has been compiled for Drakenstein Municipality and is a requirement in terms of section 14 of the Promotion of Access to Information Act, 2000 (Act 2/2000), hereafter referred to as "the Act". This legislation gives effect to the public's right of access to information from public and private bodies as contained in section 32 of the Constitution of the Republic of South Africa. One of the objectives of the Act is to promote transparency, accountability and effective governance.
- 1.5 The purpose of the manual is:
  - 1.5.1 To enable people to exercise their rights in terms of the Act.
  - 1.5.2 To create an understanding of the functions performed and records kept by the Drakenstein Municipality.
  - 1.5.3 To assist in fostering a culture of transparency, accountability and to promote public participation
  - 1.5.4 Actively promote a society in which the people of the Drakenstein Municipality have effective access to information to enable them to fully exercise and protect all of their rights.

## **2. DESCRIPTION OF MUNICIPAL STRUCTURE AND FUNCTIONS (SECTION 14 (1) (a))**

- 2.1 The Drakenstein Municipality was established on 5 December 2000 in terms of PN 487 dated 22 September 2000 and comprises the former Transitional Local Councils of Paarl, Wellington and Saron, and also include the towns of Gouda and Hermon.
- 2.2 The Administration of Drakenstein Municipality comprises the following directorates:
  - a) Office of the Municipal Manager
  - b) Directorate Infrastructure Services
  - c) Directorate Corporate Services
  - d) Directorate Financial Services
  - e) Directorate Community Services
  - f) Directorate Planning and Economic Development
- 2.3 The powers and functions of Drakenstein Municipality are assigned to it in terms of section 156 and 229 of the Constitution and further governed by the Local Government: Municipal Structures Act, No. 117 of 1998, Local Government, Municipal Systems Act No. 32 of 2000 and Local Government: Municipal Finance Management Act, Act No 56 of 2003, and other applicable legislation.

- 2.4 Decision-making of the public body is conducted through the Municipal Council and the Executive Mayor, with the Municipal Manager and 5 Executive Managers who have delegated and original powers in terms of legislation.
- 2.5 The powers and functions of municipalities in terms of the provisions of the Constitution are as follows:
- 1) A municipality has executive authority in respect of, and has the right to administer:-
    - (a) The local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution; and
    - (b) Any other matter assigned to it by national or provincial legislation.
  - 2) A municipality may make and administer by-laws for the effective administration of the matters which it is has the right to administer.
  - 3) Subject to section 151 (4) of the Constitution, a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a by-law and national or provincial legislation that is inoperative because of a conflict referred to in section 149 of the Constitution, the by-law must be regarded as valid for as long as that legislation is inoperative.
  - 4) The National government and provincial government may assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 of the Constitution which is necessarily related to local government, if:-
    - (a) That a matter would most effectively administered locally, and
    - (b) The municipality has the capacity to administer it.
  - 5) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to the effective performance of its functions.

**3. CONTACTS DETAILS OF THE MUNICIPALITY'S INFORMATION OFFICER/DEPUTY INFORMATION OFFICER (SECTION 14 (1) (B))**

- 3.1 The contact details for the municipality are as follows:-

Street Address: Civic Centre, Berg River Boulevard, Paarl

Postal Address: Po Box 1, Paarl, 7622

Telephone No.: (021) 807 4500

Facsimile No.: (021) 870 1547 / 872 8054

Electronic Mail: [ceo@drakenstein.gov.za](mailto:ceo@drakenstein.gov.za)

Website: [www.drakenstein.gov.za](http://www.drakenstein.gov.za)

### 3.2 CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

- Information Officer: Municipal Manager

Tel: (021) 807 4615

Fax: (021) 872 3757

E-mail: Johann.Mettler@drakenstein.gov.za

Cell nr: 082 468 3660

- Deputy Information Officer: Executive Manager: Corporate Services

Tel: (021) 807 4600

Fax: (021) 870 1547

E-mail: Annalene.deBeer@drakenstein.gov.za

Cell nr: 076 020 6905

## 4. GUIDE ON HOW TO USE THE ACT (SECTION 10)

In terms of section 10 of the Act, the Human Rights Commission must compile a guide containing such information as may reasonably be required by a person who wishes to exercise any rights contemplated in the Act. This guide is available to the public and enquiries regarding the guide may be directed to:

**The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
Houghton  
2041  
Tel: (011) 484 8300  
Fax: (011) 484 1360**

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 5. REQUEST FOR ACCESS TO A RECORD OF THE MUNICIPALITY (SECTION 14 (1) (d))

### 5.1 DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS HELD BY DRAKENSTEIN MUNICIPALITY

The Drakenstein Municipality keeps a record of all correspondence, council resolutions, building plans, town planning maps and information relating to all services. Records are being kept under the following broad categories:

- 5.1.1 Legislation
- 5.1.2 Organisation and Control
- 5.1.3 Own Council and Council Matters
- 5.1.4 Staff
- 5.1.5 Finance
- 5.1.6 Domestic supplies, services, accommodation and grounds
- 5.1.7 Buildings and Ground
- 5.1.8 Tenders, Quotations & Contracts
- 5.1.9 Reports and Returns
- 5.1.10 Publicity and Information
- 5.1.11 Festivals and Social Interaction
- 5.1.12 Composition of and meetings of bodies and other gatherings
- 5.1.13 Legal Administration
- 5.1.14 Licenses and Permits
- 5.1.15 Town Planning and Control

5.1.16 Essential Services

- (a) Water
- (b) Electricity
- (c) Roads and Streets
- (d) Sewerage and Sanitation
- (e) Refuse Removal Services
- (f) Cemeteries and Crematoriums
- (g) Installation/Upgrading of services, informal areas
- (h) Storm Water
- (i) Way Leaves

5.1.17 Community Services

- (a) Health
- (b) Schools
- (c) Traffic Control
- (d) Library Services
- (e) Housing
- (f) Parks, Gardens and Open Spaces
- (g) Sport Recreation and Culture
- (h) Fire Services
- (i) Municipal Pound
- (j) Welfare
- (k) Religion and churches
- (l) Museums and monuments
- (m) Civil protection/Disaster Management
- (n) Halls
- (o) Camping Sites
- (p) Municipal swimming pools
- (q) Theatres
- (r) Private Community Services
- (s) Community Policing
- (t) Nature Conservation
- (u) Environmental Management

## 5.2 **DESCRIPTION OF SERVICES AVAILABLE (SECTION 14) (1) (f) )**

As a broad description, the municipality at present renders the following services:-

### **OFFICE OF THE MUNICIPAL MANAGER**

- Internal Audit
- Risk Management
- Integrated Development Planning
- Performance Management
- Service Delivery Budget Implementation Planning

### **DIRECTORATE: CORPORATE SERVICES**

- Information and Communication Technology (ICT)
- Human Resources Management (HR)
- Communication and Inter-Governmental Relations
- Political Office Services

### **Branch: Legal and Administration**

- Administrative Support Services
- Facilities and Property Administration
- Legal Services

### **DIRECTORATE: FINANCIAL SERVICES**

- Budget and Accounting
- Financial Reporting
- Revenue Management
- Expenditure Management
- Supply Chain Management

### **DIRECTORATE: INFRASTRUCTURE SERVICES**

#### **Department Civil Engineering Services**

- Water Services
- Waste Water Services
- Sewerage pump maintenance
- Roads, Storm Water and Traffic Engineering Services
- Fleet Management and Maintenance
- Building Management Maintenance

#### **Department: Electro-Technical Engineering Services**

- Operations and Maintenance
- Planning, Design and Construction
- Energy Management and Control

## **DIRECTORATE: PLANNING AND ECONOMIC DEVELOPMENT**

- Spatial Planning
- Land Use Planning
- Surveying and Valuations
- Building Control
- Local Economic Development support
- Tourism
- Environmental Management

## **DIRECTORATE: COMMUNITY SERVICES**

### **Department Human Settlements**

- Housing Administration
- Housing Projects

### **Department: Protective Services**

- Traffic Law Enforcement
- Licensing Services
- Municipal Law Enforcement and Security
- Fire, Rescue Services and Disaster Management

### **Branch: Parks and Waste Management**

- Parks
- Sport
- Cemeteries
- Nature Reserves
- Refuse Removal Services
- Street, Public Places and Facility Cleansing

### **Branch: Community Development and Libraries**

- Community development and projects
- Facility Management
- Library and Information Services

## **5.3 METHOD TO GAIN ACCESS TO INFORMATION**

In the event of a member of the public requiring information from the Drakenstein Municipality in terms of the provisions of the Promotion of Access to Information Act, 2000, the following procedure should be followed:

- 5.3.1 The request must be made in writing on the prescribed form addressed to the Municipality at the address as listed in paragraph 3 hereof. The prescribed form is attached as **Annexure A**.
- 5.3.2 The Application should state clearly what information is required in order that the official delegated to provide the information can identify



- The records requested
- The requester

- 5.3.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 5.3.4 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer
- 5.3.5 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- 5.3.6 The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request. The prescribed fees are attached as **Annexure B**. After the information officer has made a decision on the request, the requester must be notified in the required form.
- 5.3.7 If the request is granted then a further access fee must be paid for the reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 5.3.8 Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representation written 30 days why the information is required prior to it becoming public.
- 5.3.9 The Information Officer or Deputy Information Officer may refuse access to records under certain circumstances as provided for in chapter 4 of the Promotion of Access to Information Act, 2000, in which case a right of appeal is available to the requester.

#### **5.4 AUTOMATIC AVAILABILITY OF CERTAIN RECORDS (SECTION 14 (1) (e))**

**Annexure D** describes the categories of records which are automatically available without a person having to request access in terms of the Act.

#### **5.5 REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MUNICIPALITY (SECTION 14 (1) (h))**

A requester may lodge an internal appeal with the authorized authority of Drakenstein Municipality on the prescribed form, if:-

- A request for access is refused
- The fees charged are deemed unacceptable
- If the period within which information has to be disclosed is extended by the Information Officer

The prescribed form for an internal appeal is attached as **Annexure C**.

### **6. ARRANGEMENTS ALLOWING FOR PUBLIC PARTICIPATION/INVOLVEMENT (SECTION 14 (1) (g) )**

The participation/involvement of the community in the administration of the Municipality is regulated in the main by the Local Government: Municipal Systems Act, 2000 (Chapter 4) and the Municipal Structures Act 1998 (Chapter 3)

Community participation in the affairs of the municipality is a prerequisite for good governance and to facilitate this, the following avenues are available to the community to participate:-

- Ward Committees
- Ward Councilors and PR Councilors
- Recognition of Community Based Organisations, which bodies will be incorporated in planning processes such as the IDP etc.
- Budget / IDP ward and sector based consultation meetings
- Community input to be obtained on matters as prescribed by law
- Public meetings when required
- Newsletters
- Radio
- Local Newspapers

A more detailed description is contained in Council's Public Participation Policy.

## **7. UPDATING AND AVAILABILITY OF THE SECTION 14 MANUAL**

### **7.1 Updating**

The manual will be published in the Government Gazette and will be updated, as and when necessary.

### **7.2 Availability**

The manual is available at any of the offices listed below and may be viewed at:-

- Help Desk, Civic Centre, Paarl
- Help Desk, Wellington Municipal Office
- Paarl East Housing Office
- Mbekweni Housing Office
- Saron Municipal Office
- Drakenstein Libraries
- Gouda Municipal Office
- Municipal Website

## **8. CONCLUSION**

### **8.1 General Information**

Drakenstein Municipality is guided by values such as openness, accountability and transparency and good governance in its vision to be a "Place of excellence". The application of these values re-inforces the Municipality's commitment to comply with the provisions of this Act. As the Drakenstein Municipality strives to be an accessible Municipality and render itself as accessible as reasonably possible for requesters of its records, a Deputy Information Officer has been appointed to assist requesters to exercise their rights in terms of the Act. Where individuals experience difficulty in understanding the manual, the Information Officer or Deputy Information Officer may be contacted as well as for any further information not contained in this manual.

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