



**DRAKENSTEIN**

MUNISIPALITEIT • MUNICIPALITY • UMASIPALA

Paarl | Wellington | Gouda | Saron | Simondium

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# Section 14 Manual

(In terms of the Promotion of Access to Information Act 2 of 2000 and meeting the requirements of the Protection of Personal Information Act, 2013)

**Date of Approval/Review by Council**

28 July 2021

**Implementation Date**

1 July 2021

**Signed by the City Manager**

**Signature Date**

28 July 2021

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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 persons 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 persons have effective access to information to enable them to fully exercise and protect all of their rights.
  - 1.5.5 To incorporate and/or address the requirements of the Protection of Personal Information Act, 2013 (“POPIA”) and adhere to this. Specifically to detail the purpose for which personal information may be processed, the description of data subjects for which the Municipality processes personal information as well as the categories of personal information as it relates to the data subjects and also the recipients to whom personal information can be supplied to. This then for the reason that the Municipality is a responsible party for the purposes of POPIA.
- 1.6 In respect of POPIA the following definitions is to be noted:
- 1.6.1 POPIA means the Protection of Personal Information Act, 2013.
  - 1.6.2 POPIA regulations means the regulations as promulgated in terms of Section 112(2) of POPIA.
  - 1.6.3 Conditions for lawful processing means those conditions as set in Chapter 3 of POPIA for the lawful processing of personal information.
  - 1.6.4 Data subject has the meaning as depicted in section 1 of POPIA.
  - 1.6.5 Personal information has the meaning as depicted in section 1 of POPIA.
  - 1.6.6 Processing has the meaning as depicted in section 1 of POPIA.
  - 1.6.7 Responsible party has the meaning as depicted in section 1 of POPIA.
  - 1.6.8 Record has the meaning as depicted in section 1 of PAIA and includes personal information.
- 1.7 Minimum conditions for the lawful processing of personal information by the Municipality, a responsible party, is stipulated in Chapter 3 of POPIA. These may not be derogated from unless an exclusion apply as indicated in POPIA.

## **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 departments:
- 2.2.1 Office of the City Manager;
  - 2.2.2 Department Engineering Services;
  - 2.2.3 Department Corporate Services;
  - 2.2.3 Department Financial Services;
  - 2.2.4 Department Community Services; and
  - 2.2.5 Department Planning and 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 city is conducted through the Municipal Council and the Executive Mayor, with the City Manager and 5 Executive Directors 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:
- 2.5.1 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.

- 2.5.2 A municipality may make and administer by-laws for the effective administration of the matters which it is has the right to administer.
- 2.5.3 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.
- 2.5.4 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.
- 2.5.5 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. CONTACT 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: P.O. Box 1, Paarl, 7622
- Telephone No.: 021 807 4500
- Facsimile No.: 021 870 1547 / 872 8054
- Electronic Mail: [customercare@drakenstein.gov.za](mailto:customercare@drakenstein.gov.za)
- Website: [www.drakenstein.gov.za](http://www.drakenstein.gov.za)

3.2 The contact details of the Information Officer and Deputy Information Officer are as follows:

3.2.1 Information Officer: City Manager

Tel: 021 807 4615

E-mail: [customercare@drakenstein.gov.za](mailto:customercare@drakenstein.gov.za)

3.2.2 Deputy Information Officer: Executive Director: Corporate Services

Tel: 021 807 4601

E-mail: [customercare@drakenstein.gov.za](mailto:customercare@drakenstein.gov.za).

#### 4. GUIDE ON HOW TO USE THE ACT [SECTION 10]

4.1 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 X2700*

*Houghton*

*2041*

*Tel: (011) 877 3803*

*Fax: (011) 403 0668*

*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

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;
- 5.1.7 Council Buildings and Sites;
- 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; and
- 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) Installation/Upgrading of services - informal areas;
- f) Refuse Removal Services ;
- g) Cemeteries and Crematoriums;
- h) Storm Water; and
- i) Way Leaves.

5.1.17 Community Services

- a) Health;
- b) Schools;
- c) Traffic Control;
- d) Library Servicesv
- e) Housing;
- f) Parks, Gardens and Open Spaces;
- g) Sport, Recreation and Culture;
- h) Control over Railway Sidings;
- i) Fire Services;
- j) Municipal Pound;
- k) Welfare;

- l) Religion and churches;
- m) Museums and monuments;
- n) Civil protection/Disaster Management;
- o) Halls;
- p) Camping Sites;
- q) Municipal swimming pools;
- r) Theatres;
- s) Private Community Services;
- t) Community Policing ;
- u) Nature Conservation;
- v) Environmental Management; and
- w) Early Childhood Development.

## 5.2 Description of services available [SECTION 14](1)(f)]

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

### 5.2.1 Office of the City Manager

- a) Division: Communication and Marketing
- b) Division: Risk Management
  - Integrated Risk Management
  - Fraud Risk Management
- c) Division: Internal Audit
  - Compliance Audits
  - Performance Audits

### 5.2.2 Department: Corporate Services

- a) Division: Human Resources (Management) (HR)
  - HR Administration and Recruitment and Selection
  - Labour Relations, Employee Wellness and OHS Services
  - Training and Development
  - Organisational Efficiency
- b) Division: Legal and Administrative Service
  - Legal Services (Legal and Property Administration)
  - Administrative Support Services

- International and Inter – governmental Relations and Customer Support Services (Political Office Support)
- c) Division: Information and Communication Technology (ICT)
- ICT Operations and Support
  - MIS/Systems
  - ICT Governance and Administration
- d) Division: Integrated Development Planning and Performance Management
- IDP
  - Public Participation and Ward Projects
  - Performance Management

### 5.2.3 Department: Financial Services

- a) Division: Supply Chain Management
- Compliance, Risk, Performance and Reporting
  - Tender Evaluations and Contracts
  - Tender Committee Administration
  - Logistics and Disposals
  - Acquisitions
- b) Division: Revenue and Expenditure Management
- Expenditure
  - Revenue
- c) Division: Budget, Assets and Financial Reporting
- Financial Systems
  - Budget Control and Cost Accounting
  - Financial Statements, Reporting and Cash Management
  - Assets and Insurance Management Services

### 5.2.4 Department: Engineering Services

- a) Division: Civil Engineering Services
- Roads, Storm Water and Traffic Engineering Services
  - Infrastructure Management

- Water Services
  - Waste Water Services
- b) Division: Electro-Technical Services
- Operations and Maintenance
  - Planning, Design and Construction
  - Energy Management and Control
- c) Division: Technical Support and Project Management
- EPWP
  - Project Management PMU
- d) Division: Solid Waste and Landfill Management
- Solid Waste Functional Management
  - Solid Waste Operational Management Waste Disposal Facilities
- e) Division: Facilities and Mechanical Management
- Fleet Management and Maintenance
  - Building Management and Maintenance
  - Corporate Facilities and Projects

5.2.5 Department: Planning and Development

- a) Division: Planning Services
- Land Use Planning and Surveying
  - Building Control
  - Spatial Planning, Heritage and GIS
- b) Division: Environmental Management
- Natural Resource Management
  - Environmental Management System, Monitoring and Compliance
  - Planning and Sustainability
- c) Division: Economic Growth and Tourism
- Economic Growth
  - Tourism

d) Division: Rural Development

5.2.6 Department: Community Services

a) Division: Parks, Sport and Recreation, and Cemeteries

- Parks
- Sport and Recreation
- Cemeteries and Resorts
- Programmes, Projects and Small Plant Maintenance

b) Division: Public Safety

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

c) Division: Community Development and Library and Information Services

- Community Development
- Library and Information Services

d) Division: Rental Stock and Support Services

- Rental Stock
- Support Services and Demand Administration

e) Division: Housing Projects and Technical Support

- Housing Projects
- Housing Projects Technical Support

**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 (email or hard copy) 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:
- a) The records requested;
  - b) The requester; and
  - c) The reason why the information is sought.
- 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 private requester is a requester who seeks access to a record containing personal information about that requester and 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. The prescribed period to finalise an application will commence upon receiving all relevant information and/or documentation. This period can in certain circumstances be extended.
- 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 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:

- 5.5.1 A request for access is refused;
- 5.5.2 The fees charged are deemed unacceptable; and
- 5.5.3 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**.

The remedy of lodging a complaint to the Information Regulator in accordance with POPIA under certain circumstances should be noted.

5.6 It is to be noted that an application for access to a record is subject to certain limitations if the requested record falls within a category as specified in section 23(4)(a) of POPIA read with PAIA, Chapter 4 of Part 2.

5.7 Where it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false or misleading information, the Municipality may institute legal action against such a requester.

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

6.1 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).

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

- Ward Committees;
- Ward Councillors and PR Councillors;
- 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; and
- Public meetings when required.

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 is updated and published in the Government Gazette 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 (head office of the Municipality) ;
- Help Desk, Wellington Customer Care Centre;
- Gouda Municipal Office;
- Paarl East Housing Office;
- Mbekweni Customer Care Centre;
- Saron Municipal Office;
- Drakenstein Libraries; and
- Municipal Website.

The manual is available to any person upon request and upon payment of a reasonable amount as well as to the Information Regulator upon request.

## **8. PROTECTION OF PERSONAL INFORMATION ACT (POPIA)**

8.1 In terms of Section 23 of POPIA, read with section 18 PAIA, a data subject (customer, employee or a third party), have the right to request confirmation of any records containing their personal information as being held by the Municipality. This confirmation will be given free of charge. Where a copy of such a record is requested the procedure and fees as stipulated in PAIA will be applicable.

8.2 Personal information is only to be processed for a specific purpose. The Municipality in rendering services and in its administration processes personal information for various purposes, inter alia:

- Verifying identity and other personal information of persons or representatives;
- Rendering services to a member of the public as requested by such a person and agreed to;
- Rendering services in general;
- To undertake activities related to the provision of services or transactions;
- Managing relationships;
- To monitor and record calls as well as electronic communications ,for the purposes of training, quality, investigation and fraud prevention;
- Providing financial services;
- Assessing and processing complaints, service request, queries, applications, etc.;
- Maintain accounts and records;
- In respect of risk assessment, information security management, statistical, trend and planning;
- Support and manage the Municipality's employee;
- Research and statistical analysis;
- Use of CCTV systems to prevent and detect crime;
- The prevention and detection fraud, money laundering, crime, corrupt activities and other forms of malpractice, including investigation and prosecution;
- In compliance with legal and other regulatory requirements, e.g tax legislation;
- Staff administration;
- Keeping accounts and records;
- Performing due diligence for investments and projects;
- Administration of agreements;
- In legal proceedings;
- To enforce or defend the Municipality's rights;
- Any other relevant administrative purpose in terms of any other law, by-law, regulations, etc. ;
- Any other purpose as may be expressly authorized by a party;
- Any purposes of which the Municipality may inform data subjects in a notice provided; and

- A purpose which is related to any authorized disclosure in terms of an agreement, law or regulation.

### **8.3 Categories of data subjects – a data subject can either be a natural or juristic person**

- ⊙ Employees;
- ⊙ Employees and employers of private organisations;
- Council members;
- ⊙ Employees of other government institutions/departments;
- ⊙ Complainants and enquirers;
- ⊙ Consultants;
- ⊙ Suppliers and service providers;
- External companies/contractors;
- Members of the public and/or their representatives;
- Individuals captured by CCTV – images/videos; and
- ⊙ Shareholders/ board members/ directors/trustees.

### **8.4 Personal Information is any recorded piece of information relevant to a data subject, in hard copy or electronic format, including inter alia the following:**

- ⊙ Race, gender, sex, pregnancy, marital status, nationality, ethnicity, social origin, colour, sexual orientation, age, physical or mental health and wellbeing;
- ⊙ Belief, religion, conscience, culture, language and birth, education, medical and financial information, criminal or employment history;
- ⊙ Identifying number or symbol;
- ⊙ Disability, personal opinions, blood type or biometric information; ;
- A person's view or preference, correspondence of a private and confidential nature, and another person's views and opinions
- ⊙ Where a name of a person appears with other personal information; ;
- ⊙ Patterns – purchasing or consumer; and
- ⊙ Address, being an e-mail or physical address, location information as well as online identifiers and telephone or mobile numbers.

### **8.5 Types of classes of information processed**

- Personal details;
- Details of family or persons closely related;
- Lifestyle and socio-economic circumstances;
- Education and employment details;
- Services provided and consumed;

- Business activities;
- Visual images of individuals captured on CCTV; and
- Financial details.

**8.6** The following table highlight the respective data subject category and how personal information is processed in respect of that particular data subject category.

DATA SUBJECT CATEGORY	PERSONAL INFORMATION PROCESSED
Natural persons	<ul style="list-style-type: none"> <li>• Names;</li> <li>• Contact details;</li> <li>• Physical and postal addresses;</li> <li>• Date of birth;</li> <li>• Identity number;</li> <li>• Passport number;</li> <li>• Tax related information;</li> <li>• Nationality;</li> <li>• Gender;</li> <li>• Confidential correspondence;</li> <li>• PAYE Records;</li> <li>• Transactional records;</li> <li>• Account Information (same as beneficiary) ;</li> <li>• Data to identify, verify and know the individual, e.g., images of signature; and</li> <li>• Other personal information as stipulated above.</li> </ul>
Juristic persons or entities	<ul style="list-style-type: none"> <li>• Names of contact persons;</li> <li>• Name of legal entity;</li> <li>• Physical and postal address and contact details;</li> <li>• Financial information;</li> <li>• Registration number;</li> <li>• Founding documents;</li> <li>• Corporate structure;</li> <li>• Tax related information;</li> <li>• Authorised signatories, beneficiaries and ultimate beneficial owners;</li> <li>• Account information;</li> <li>• Transactional records;</li> <li>• B-BBEE information;</li> <li>• Risk rating;</li> <li>• Other profile information; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Other information as it relates to individuals or representatives (e.g. shareholders, trustees, directors, etc.).</li> </ul>
Contracted service providers	<ul style="list-style-type: none"> <li>• Names of contact persons;</li> <li>• Name of legal entity;</li> <li>• Physical and postal address and contact details;</li> <li>• Financial information;</li> <li>• Registration number;</li> <li>• Founding documents;</li> <li>• Corporate structure;</li> <li>• Tax related information;</li> <li>• Authorised signatories, beneficiaries and ultimate beneficial owners;</li> <li>• Transactional records;</li> <li>• Account information and payment information;</li> <li>• B-BBEE information;</li> <li>• Risk rating;</li> <li>• Other profile information; and</li> <li>• Other information as it relates to individuals or representatives (e.g. shareholders, trustees, directors, etc.).</li> </ul>
Payment beneficiaries	<p>The following information in respect of the bank account:</p> <ul style="list-style-type: none"> <li>• Currency;</li> <li>• Identity;</li> <li>• Name;</li> <li>• Number; and</li> <li>• Type.</li> </ul> <p>Also:</p> <ul style="list-style-type: none"> <li>• Beneficiary address;</li> <li>• Transaction details; and</li> <li>• Payment narrative.</li> </ul>
Employees or Council members	<ul style="list-style-type: none"> <li>• Name;</li> <li>• Gender;</li> <li>• Marital status;</li> <li>• Ethnicity;</li> <li>• Age;</li> <li>• Business contact details (address, telephone number and email address);</li> <li>• Home language;</li> <li>• Education information;</li> <li>• Financial information;</li> </ul>

	<ul style="list-style-type: none"> <li>● Employment history;</li> <li>● PAYE Records;</li> <li>● Identity number/ passport number;</li> <li>● Physical and postal address;</li> <li>● Contact details;</li> <li>● Opinions;</li> <li>● Criminal behavior;</li> <li>● Disciplinary history;</li> <li>● Well-being;and</li> <li>● Other personal information as stipulated above.</li> </ul>
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**8.7 Types of classes of special information processed**

- Racial or ethnic origin;
- Religious, philosophical or other beliefs;
- Membership of trade unions;
- Political opinions;
- Offences and/or alleged offences;
- Criminal behavior and proceedings, outcomes and sentences;
- Biometric information;
- Disciplinary transgressions and/or alleged disciplinary transgression;
- Disciplinary proceedings, outcomes and sentences; and
- Physical and mental health details.

When personal information is referenced, unless otherwise indicated, it will include special personal information.

8.8 In certain circumstances the Municipality will have to share the personal information being processed with the individual themselves and/or other organisations or parties (data subjects). When this is necessary the Municipality needs to comply with the provisions of the Protection of Personal Information Act.

8.9 The Municipality may provide data subjects with personal information, e.g., service providers. Where personal information is supplied to service providers it would usually be where they render the following services:

- Capturing data as well as organizing same;
- Storing of data;
- Corresponding with stakeholders, e.g., sending emails or other forms of correspondence;
- Conducting due diligence checks;
- Administration of funds; and

- Administrative assistance – specifically the outsourcing thereof.
- 8.10 The Municipality currently does not share personal information trans-border or cross border, out of the Republic of South Africa. However in the event that this is necessitated the Municipality will comply with section 72 POPIA, and may share personal information with regulators or associations on an ad hoc/regular basis, including for vetting purposes.
- 8.11 The Municipality has systems and processes in place in order to comply with the provisions of the Protection of Personal Information Act. Likewise, up to date technology will also ensure the confidentiality, integrity and availability of Personal Information under its working ambit. This will then ensure that personal information is respected and protected. Furthermore, the best endeavours are used and implemented to ensure that personal information is protected at all times. The Municipality may use alternative measures and where needed adapt to technological security development. Some of the measures include:
- Firewalls;
  - Virus protection software and updated protocols;
  - Secure access control to data;
  - User control;
  - Transmission control;
  - Logical and physical access control including access control of persons;
  - Organization control;
  - IT infrastructure consisting of secure setups in respect of hardware and software;
  - Where outside service providers process personal information on behalf of the Municipality they also have to implement security controls and is contracted to do so accordingly; and
  - Non-disclosure agreements.
- 8.12 **Objection to the Processing of Personal Information by a data subject** – in terms of section 11(3) of POPIA and regulation 2 of the POPIA Regulations a data subject may object to the Municipality, to the processing of his/her/its personal information subject to the exemptions as stipulated in POPIA. The necessary prescribed form needs to be completed and is attached hereto as Annexure E.
- 8.13 **Request for correction or deletion of Personal Information** – a data subject may in terms of section 24 of POPIA and regulation 3 of the POPIA Regulations request that personal information be corrected or deleted. The prescribed form is attached hereto as Annexure F.

## **9. CONCLUSION**

### **9.1 General Information**

Drakenstein Municipality is guided by values such as openness, accountability and transparency and good governance in its vision to be a “City of excellence”. The application of these values re-inforces the Municipality’s commitment to comply with the provisions of this Act.

As 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.

**ANNEXURE A  
REQUEST FORM**

<p><b>REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY – DRAKENSTEIN MUNICIPALITY</b> (Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 6])</p>	<p><u>OFFICE USE ONLY:</u> Collaborator Ref No: _____ File Ref No: _____</p>
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This Request for Access form should be lodged with Drakenstein Municipality, P O Box 1, Civic Centre, Berg River Boulevard, Paarl, 7622, together with all relevant documents or delivered to the Records Section, 1st floor, Civic Centre, Berg River Boulevard, Paarl or can be sent per e-mail at [customercare@drakenstein.gov.za](mailto:customercare@drakenstein.gov.za). Administrative queries can be directed to Ms Mari Müller ([Mari.Muller@drakenstein.gov.za](mailto:Mari.Muller@drakenstein.gov.za) / 021 807 6323).

<b>A</b>	<b>PARTICULARS OF PUBLIC BODY:</b>	
	TO: INFORMATION OFFICER (CITY MANAGER) or DEPUTY INFORMATION OFFICER (EXECUTIVE DIRECTOR: CORPORATE SERVICES)	
	PUBLIC BODY	Drakenstein Municipality
	STREET ADDRESS	Civic Centre, Berg River Boulevard, Paarl
	POSTAL ADDRESS	Po Box 1, Paarl, 7622
	TELEPHONE NUMBER	021 807 4500
	FASCIMILE NUMBER	021 870 1547 / 872 8054
	ELECTRONIC MAIL	<a href="mailto:customercare@drakenstein.gov.za">customercare@drakenstein.gov.za</a>
	WEBSITE	<a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a>

<b>B</b>	<b>REQUESTER: PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD :</b>		
	<p>a) The particulars of the person who requests access to the record must be given below.</p> <p>b) The address and/or fax number in the Republic to which the information is to be sent, must be given.</p> <p>c) Proof of the capacity in which the request is made, if applicable, must be attached.</p>		
	Full name of Individual	_____	ID No: _____
	Physical Address	_____ _____ _____	
	Postal Address	_____ _____ _____	

Telephone No		E-mail	
Cell Phone No			
Request made on behalf of another person/entity?		Yes	No
Capacity in which the request is made, when made on behalf of another person/entity, e.g. as a director of a company/ as a trustee of a trust. (Attach letter of authority/ power to act on behalf.)			
<b>C PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE:</b>			
<i>Complete this section <b>ONLY</b> if a request for information is made on behalf of another person/entity.</i>			
Full names and surname of individual/ Trust/ CC/ Company			
Identity number/ Registration Number			
Telephone No.			
Cell Phone No			
E – mail			
<b>D PARTICULARS OF RECORD:</b>			
<p>a) Provide full particulars of the record to which access is requested, including the reference number if that is known, to enable the record to be located.</p> <p>b) If the provided space is inadequate, please continue on a separate page and attach it to this form. The requester must sign all the additional pages.</p>			
Description of record or relevant part of the record			

Reference number of record (if available)	
Any further particulars of record:	
Department/ Section where record originated from (if possible)?	
Reason for requesting record:	

<b>E</b>	<b>FEES</b>	
	<p>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.</p> <p>b) You will be notified of the amount required to be paid as the request fee as well as the banking details and relevant reference number.</p> <p>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.</p> <p>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption – reference to be made to the particular section of the Act.</p>	
	Reason for exemption from payment of fees	

<b>F</b>	<b>FORM OF ACCESS TO RECORD</b>	
	<p>If you are prevented by a disability to read, view or listen to the record in the form of access provided for 1 to 4 below, state your disability and indicate in which form the record is required.</p>	
	Disability:	Form in which record is required:
	<hr/>	<hr/>
	<hr/>	<hr/>
	<hr/>	<hr/>
	<p>Mark the appropriate box with an X:</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>				
	<b>Copy of record</b>			<b>Inspection of record</b>
<b>2. If record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>				
	<b>view the images</b>		<b>copy of images</b>	<b>transcription of images</b>
<b>3. If record consists of recorded words or information which can be reproduced in sound.</b>				
	<b>Listen to soundtrack (audio cassette/ CD)</b>			<b>Transcription of soundtrack (written or printed document)</b>
<b>4. If record is held on computer or in an electronic or machine – readable form:</b>				
	<b>printed copy of record</b>		<b>printed copy of information derived from record</b>	<b>copy in computer readable form (stiffy or compact disc)</b>
<b>If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</b> <b>Note that postage will be payable.</b>				<b>YES</b>
				<b>NO</b>
<b>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.</b>				
<b>In which language would you prefer the record?</b>				
<b>G NOTICE OF DECISION REGARDING REQUEST FOR ACCESS:</b>				
<b>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.</b>				
<b>How would you prefer to be informed of the decision regarding your request for access to the record?</b>				

**SIGNED AT:**

\_\_\_\_\_

**DATE:**

\_\_\_\_\_

**SIGNATURE:  
(REQUESTER)**

\_\_\_\_\_

**NAME & SURNAME:**

\_\_\_\_\_

**Annexure B**

**Fees for records of public body**

**3.(1) The fee for reproduction, referred to in section 15(3) of the Act, is 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 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

**(2) The request fee payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R 35,00.**

(3) The access fees payable by a requester referred to in section 22(7) of the Act, unless exempted under section 22(8) of the Act, 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 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 the record for disclosure, R 15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search.	

(4) The actual postal fee is payable when a copy of a record must be posted to a requester.

(5) 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.

*A.*

#### **Appeal fees**

7. The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act, is R 50,00 .

**Value - added tax**

8. 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 terms of these regulations.

**NOTICE OF INTERNAL APPEAL**

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

**[Regulation 6]**

**STATE YOUR REFERENCE NUMBER:**

*NOTE: A person who lodges an internal appeal may have to pay an appeal fee.  
If an appeal fee is payable, the decision of the internal appeal may be deferred until the fee is paid.*

**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 is lodging the internal appeal, must be completed 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 stated 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) is lodging the internal appeal.*

Full names and surname : .....

Identity number : .....

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

<p><i>Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box:</i></p>	
	Refusal of request for access.
	Decision regarding fees determined in terms of section 22 of the Act.
	Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act:
	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
	Decision to grant request for access.

**E. Grounds for appeal**

<p>If the provided space is inadequate please continue on a separate folio and attach it to this form. <b>You must sign all the additional folios.</b></p>
--

State the grounds upon 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 thereof 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/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the records, submitted by information officer/deputy information officer on \_\_\_\_\_ (date) to the relevant authority.

OUTCOME OF APPEAL:

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

NEW DECISION:

DATE RELEVANT AUTHORITY

DATE RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM  
THE RELEVANT AUTHORITY:

**ANNEXURE D  
AUTOMATICALLY AVAILABLE RECORDS &  
ACCESS TO SUCH RECORDS**

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS**

(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

[Regulation 5A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF <b>SECTION 15 (1) (a)</b> OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) <b>(SECTION 15 (1) (b))</b>
<b>FOR INSPECTION IN TERMS OF SECTION 15 (1) (a) (i):</b>	
<b>1. Section 14 manual is made available in terms of the Promotion of Access to Information Act 2 of 2000</b>	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Corporate Services Division: Legal and Administration
<b>2. Agendas and minutes of Council</b>  (Including agendas and minutes of all meetings of Council structures and those of its predecessors, excluding minutes and agendas that have been marked "confidential").	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Corporate Services Division: Legal and Administration
<b>3. Business details</b>  Name, locality, address, telephone numbers, contact persons, hours of business of all Council offices and depots	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Help Desk: Civic Centre Paarl
<b>4. Councillors' official contact details (excluding personal details): (including the Executive Mayor, the Deputy Executive Mayor, the Speaker and office bearers)</b>	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Corporate Services Division: Legal and Administration
<b>5. Structures of Council/Committees</b> The composition, names of members, office bearers, political membership, time and venue of meetings.	Department: Corporate Services Division: Legal and Administration
<b>6. Organisational structure</b> Organisational structure of Municipality and its departments.	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Division: Human Resources Management
<b>7. Council legislation, by-laws and policies</b>	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Corporate Services Division: Legal and Administration
<b>8. Integrated Development Plan (IDP)</b>	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> City Manager Division: IDP

<b>9. Financial Matters</b> Operating Budget Capital Budget Adjustments Budget Financial Performance and Mid-Year report Quarterly Reports Monthly Statements Audited Annual Financial Statements	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Financial Services
<b>10. Schedules</b> Refuse collection schedules	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Community Services Division: Solid Waste Management
<b>11. Tariffs, fees, surcharges</b>	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Financial Services
<b>12. Tenders:</b> Tender Invitations Tender Awards	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Department: Financial Services Division: Supply Chain Management
<b>13. Performance Management</b> Service Delivery and Budget Implementation plan (SDBIP) Annual Report Annual Performance Report Mid-year Budget and Performance Report Quarterly Performance Report	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> City Manager Division: PMS/SDBIP
<b>14. Information of Members of Staff</b> Information of members of staff in terms of Section 34(2)(f) of the Promotion of Access to Information Act, 2000.	Department: Corporate Services Division: Human Resources Management
<b>15. Housing</b> Records containing details of the housing waiting list	Department: Planning and Development Division: Human Settlements
<b>16. Services Providers</b> Details of providers of services to the Municipality	Department: Financial Services Division: Supply Chain Management
<b>FOR PURCHASE OR COPYING IN TERMS OF SECTION 15(1) (a) (ii)</b>	
As above.	Request a copy from the Office of the Deputy Information Officer at the Head Office of Drakenstein Municipality, Berg River Boulevard, Paarl at the prescribed tariffs. Tel no: (021) 807 4600
<b>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15 (1) (a) (iii)</b>	
<b>Information brochures</b> <b>Publications &amp; newsletters</b> (all publications by and on behalf of the Municipality that have been made public or presented to Council and in which no copyright is held by persons or bodies not connected to the Municipality. Print copies may not always be available).	Website: <a href="http://www.drakenstein.gov.za">www.drakenstein.gov.za</a> Communication Section