



Western Cape  
Government  
FOR YOU

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## PAIA MANUAL 2021/22

**Promotion of Access to Information (PAIA) Manual, 2021  
compiled in terms of section 14 of the Promotion of Access to  
Information Act, 2000 (as amended) for the  
Department of Local Government**

DATE OF COMPILATION: [Nov 2021]

DATE OF REVISION: [Mar 2022]

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |       |                           |  |
|-------|---------------------------|--|
| 1.1.  | <b>“DIO”</b>              | Deputy Information Officer                         |
| 1.2.  | <b>“DLG”</b>              | Department of Local Government                     |
| 1.3.  | <b>“HOD”</b>              | Head of Department                                 |
| 1.4.  | <b>“IO”</b>               | Information Officer                                |
| 1.5.  | <b>“MEC”</b>              | Member of the Executive Committee                  |
| 1.6.  | <b>“PAIA”</b>             | Promotion of Access to Information Act, 2000       |
| 1.7.  | <b>“PFMA”</b>             | Public Finance Management, 1999                    |
| 1.8.  | <b>“POPIA”</b>            | Protection of Personal Information Act, 2013       |
| 1.9.  | <b>“PSA”</b>              | Public Service Act, Proclamation 103 of 1994       |
| 1.10. | <b>“Regulator”</b>        | Information Regulator                              |
| 1.11. | <b>“The Constitution”</b> | Constitution of the Republic of South Africa, 1996 |
| 1.12. | <b>“WCG”</b>              | Western Cape Government                            |

## 2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1. check the nature of the records which may already be available at the Department of Local Government (DLG), without the need for submitting a formal PAIA request.
- 2.2. understand how to make a request for access to a record of the DLG.
- 2.3. obtain all the relevant contact details of the persons who will assist the public with the records they intend to access.

- 2.4. be aware of all the remedies available from the DLG regarding a request for access to the records, before approaching the Regulator or the Courts.
- 2.5. obtain a description of the services available to members of the public from the DLG, and how to gain access to those services.
- 2.6. obtain a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 2.7. know if the DLG will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 2.8. know if the DLG has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied.
- 2.9. know whether the DLG has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 3. ESTABLISHMENT OF THE DEPARTMENT OF LOCAL GOVERNMENT

The DLG is a provincial structure within the public service which is established in terms of section 197 of the Constitution of the Republic of South Africa 108 (1996), hereafter referred to the Constitution. The Public Service Act 103 of 1994 (PSA) which gives effect to section 197 of the Constitution provides in Chapter 7 thereof for provincial departments.

#### 3.1. Objectives/Mandate

The Constitution of the Republic of South Africa (1996) provides the national overarching framework for the work of all government departments in South Africa. Chapter 7 outlines the objectives and mandates in respect of local government. The following mandates for the Department of Local Government can be extracted from this:

- To establish municipalities consistent with national legislation.
- To support and strengthen the capacity of municipalities.
- To regulate the performance of municipalities in terms of their functions listed in Schedules 4 and 5 of the Constitution.
- To intervene where there is non-fulfilment of legislative, executive or financial obligations; and
- To promote developmental local government.



### 3.1.1 Legislative & Policy Mandates

No	Legislation	Mandate
A	Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998)	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• criteria and procedures for the determination of municipal boundaries by and independent authority.</li> </ul>
B	Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• the establishment of municipalities in accordance with the requirements relating to the categories and types of municipalities.</li> <li>• the establishment of criteria for determining the category of municipality to be established in the area.</li> <li>• a definition of the type of municipality that may be established within each category.</li> <li>• an appropriate division of functions and powers between categories of municipality; and</li> <li>• the regulation of the internal systems, structures and office bearers of municipalities.</li> </ul>
C	Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• the core principals, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities.</li> <li>• ensuring universal access to essential services that are affordable to all.</li> <li>• defining the legal nature of a municipality, including the local community within the municipal area.</li> <li>• municipal powers and functions.</li> <li>• community participation.</li> <li>• the establishment of an enabling framework for the core processes of planning, performance management, resource mobilisation and organisational change.</li> <li>• a framework for local public administration and human resource development.</li> <li>• empowerment of the poor, ensuring that municipalities establish service tariffs and credit control policies that take their needs into account; and</li> <li>• investigations in relation to allegations of fraud, maladministration, corruption and/or failures to adhere to statutory obligations at a municipal level.</li> </ul>
D	Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• securing sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government; and</li> <li>• establishing treasury norms and standards for the local sphere of government.</li> </ul>



No	Legislation	Mandate
E	<p>Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004) as amended by the Local Government: Municipal Property Rates Amendment Act, 2014 (Act No. 29 of 2014)</p>	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• securing sound and sustainable management of the financial affairs of municipalities.</li> <li>• the establishment of norms and standards against which the financial affairs can be monitored and measured.</li> <li>• regulating the power of a municipality to impose rates on a property.</li> <li>• excluding certain properties from rating, to make provision for municipalities to implement a transparent and fair system of exemptions.</li> <li>• introducing a rebate through rating policies.</li> <li>• making provision for fair and equitable valuation methods of properties; and</li> <li>• making provision for an 'objection and appeal' process.</li> </ul> <p>The Local Government: Municipal Property Rates Amendment Act, 2014 came into operation on 1 July 2015.</p> <p>The Act aims to provide for the various amendments, insertions and deletions in order to enhance proper reporting, compliance and implementation of the processes and procedures pertaining to the Act.</p>
F	<p>Disaster Management Act, 2002 (Act 57 of 2002)</p> <p>Disaster Management Amendment Act, 2015 (Act 16 of 2015)</p>	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• integration and co-ordinating disaster management policy, which focuses on preventing or reducing the risk of disasters mitigating the severity of disasters.</li> <li>• emergency preparedness, rapid and effective response to disasters and post-disaster recovery.</li> <li>• the establishment of national, provincial and municipal disaster management centres.</li> <li>• disaster management volunteers; and</li> <li>• matters incidental thereto.</li> </ul> <p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• clarification of the policy focus on rehabilitation and functioning of disaster management centres.</li> <li>• the alignment of the functions of the National Disaster Management Advisory Forum to accommodate the South African National Platform for Disaster Risk Reduction.</li> <li>• the South African National Defence Force, South African Police Service and any other organ of state to assist the disaster management structures; and</li> <li>• the strengthening of the disaster risk reporting systems in order to improve the country's ability to manage potential disasters.</li> </ul>
G	<p>Inter-governmental Relations Framework Act, 2005 (Act 13 of 2005)</p>	<p>The aim of this Act is:</p> <ul style="list-style-type: none"> <li>• to establish a framework for national government, provincial governments and municipalities to promote and facilitate inter-governmental relationships; and</li> <li>• to provide mechanisms and procedures to facilitate the settlement of inter-governmental disputes.</li> </ul>



No	Legislation	Mandate
H	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)	<p>This Act provides for:</p> <ul style="list-style-type: none"> <li>• a framework for spatial planning and land use management in the republic.</li> <li>• specifies the relationship between the spatial planning and the land use management system and other kinds of planning.</li> <li>• the inclusive, developmental, equitable and efficient spatial planning at the different spheres of government.</li> <li>• provides a framework for the monitoring, co-ordination and review of the spatial planning and land use management system.</li> <li>• provides a framework for policies, principles, norms and standards for spatial development planning and land use management.</li> <li>• addresses past spatial and regulatory imbalances.</li> <li>• promotes greater consistency and uniformity in the application procedures and decision-making by authorities responsible for land use decision and development applications.</li> <li>• provides for the establishment, functions and operations of Municipal Planning Tribunals.</li> <li>• directs the facilitation and enforcement of land use and development measures.</li> </ul>

## 4. STRUCTURE OF THE DEPARTMENT OF LOCAL GOVERNMENT AND FUNCTIONS

### 4.1. Structure

DLG organogram



## 4.2. Functions

To monitor, co-ordinate and support municipalities to be effective in fulfilling their developmental mandates and facilitate service delivery and disaster resilience through engagement with government spheres and social partners.

### 4.2.1 Programme 1: Administration

To provide overall management in the Department in accordance with all applicable acts and policies.

The following functions are delivered in terms of this programme:

- Sub programme 1.1: Corporate Services:

Compliance with relevant planning/budgeting & reporting legislative framework.

To partner with programmes so they can meet their service delivery requirements.

### 4.2.2 Programme 2: Local Governance

To promote viable and sustainable developmental local governance, to promote integrated and sustainable planning, and community participation in development processes.

The following functions are delivered in terms of this programme:

- Sub programme 2.1: Municipal Governance

To provide management and support services to local government within a regulatory framework by promoting good governance in municipalities.

Develop legislation and provide assistance on governance issues in response to the needs of municipalities.

- Sub programme 2.2: Public Participation

To strengthen interface between Government and citizens through public participation for maximum service delivery.

Action implemented, monitored and supported to improve citizen interface.

To enhance community participation and delivery at local level and to strengthen relations between local government and the community.

To strengthen public participation through effective communication between municipalities and communities by supporting municipalities to improve their public participation and communication processes.

- **Sub programme 2.3: Capacity Development**  
To capacitate municipalities to deliver effective services.  
To provide support and capacity building Programmes to municipalities.  
To improve the capacity of municipalities to deliver on their mandate through providing technical support and advisory services.
- **Sub programme 2.4: Municipal Performance Monitoring, Reporting and Evaluation**  
To monitor and evaluate municipal performance in line with the legislative requirements and to support municipalities to meet their reporting requirements.
- **Sub programme 2.5: Service Delivery Integration**  
To manage the Thusong programme and support co-operative governance between the three spheres of government and to support co-operative governance between the three spheres of government.  
To co-ordinate improved access to government information, services and socio-economic opportunities.  
To provide communities with access to government information and services.
- **Sub programme 2.6: Community Development Worker Programme**  
To provide information to communities to access government services and to facilitate community access to socio-economic opportunities.  
To co-ordinate improved access to government information, services and socio-economic opportunities by providing communities with access to government information and services.
- **Sub programme 2.7: Specialised Support**  
To provide management and support services to local government within a regulatory framework.  
Assessments and investigations to allegations of fraud and corruption and mal-administration and formal provincial interventions justified or required in terms of section 139 of The Constitution.



### 4.2.3 Programme 3: Development and Planning

To promote and facilitate effective disaster management practices, ensure well-maintained municipal infrastructure, and promote integrated planning.

The following functions are delivered in terms of this program:

- Sub programme 1: **Municipal Infrastructure**

To facilitate and monitor infrastructure development within municipalities to ensure sustainable municipal infrastructure.

To support municipalities to provide and maintain economic and social infrastructure.

To enhance municipal infrastructure provision in order to promote economic growth and social development.

- Sub programme 2: Disaster Management and Fire Brigade Services

To manage disaster management at the provincial and local level to ensure the establishment of effective and efficient disaster management mechanisms.

To co-ordinate effective disaster management preparedness, Intergovernmental and recovery by co-ordinating disaster intergovernmental structures, disaster response, rehabilitation and reconstruction in order to improve disaster preparedness and recovery adequately in the province.

- Sub programme 3: Integrated Development Planning

To strengthen inter-governmental planning and budgeting through establishment of IDP as the single coordinating plan of government.

To improve the quality of IDPs to give effect to service delivery by providing support to municipalities to improve the quality of their IDP's.

To strengthen inter-governmental planning and budgeting through the establishment of IDP as the single co-ordinating plan of Government.

## **5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DEPARTMENT OF LOCAL GOVERNMENT**

### **5.1. Information Officer**

Name: Graham Pause  
Tel: 021 483 4999  
Email: Graham.Pause@westerncape.gov.za

### **5.2. Deputy Information Officers**

Name: Albert Dlwengu  
Tel: (021) 483 8986  
Email: Albert.Dlwengu@westerncape.gov.za

Name: Bhavana Sewlall-Singh  
Tel: (021) 483 0601  
Email: Bhavana.Sewlall-Singh@westerncape.gov.za

Name: Colin Deiner  
Tel: (021) 937 6308  
Email: Colin.Deiner@westerncape.gov.za

Name: Eda Barnard  
Tel: (021) 483 6126  
Email: Eda.Barnard@westerncape.gov.za

Name: Franick Matthee  
Tel: (021) 483 2051  
Email: Franick.Matthee@westerncape.gov.za

Name: Nozuko Zamxaka  
Tel: (021) 483 4449  
Email: Nozuko.Zamxaka@westerncape.gov.za



Name: Rowena Van Wyk  
Tel: (021) 483 4443  
Email: Rowena.VanWyk@westerncape.gov.za

### 5.3. Access to Information general contacts

Email: [Hod.lg@westerncape.gov.za](mailto:Hod.lg@westerncape.gov.za)

### 5.4. Head Office

Postal Address: P O Box X9076  
Cape Town, 8000

Physical Address: 80 St Georges Mall  
9th floor, Waldorf Arcade  
Cape Town, 8000

Telephone: 021 483 4999

Email: [Hod.lg@westerncape.gov.za](mailto:Hod.lg@westerncape.gov.za)

Website: <https://www.westerncape.gov.za/dept/local-government>

## 6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DEPARTMENT OF LOCAL GOVERNMENT

Legislation applicable to the DLG may provide for an internal review or appeal procedure. Should this procedure be exhausted, or no provision be made for such procedure, a court may be approached for an appropriate order in terms of the Promotion of Administrative Justice Act, 2000.

Questions, complaints, or comments regarding any service delivery by the DLG may be made as follows:

Tel: 021 483 4999 Monday to Friday – 07:30 to 16:00

E-mail: [Hod.lg@westerncape.gov.za](mailto:Hod.lg@westerncape.gov.za)

Visit the Waldorf Building at 80 St Georges Mall, 9th floor, Cape Town, 8000, between 07:30 to 16:00.

## **7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

**7.1.** The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

**7.2.** The Guide is available in each of the official languages.

**7.3.** The aforesaid Guide contains the description of-

7.3.1. the objects of PAIA and POPIA;

7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

7.3.2.1. the Information Officer of every public body, and

7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;

7.3.3. the manner and form of a request for-

7.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and

7.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;

<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA 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 this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*  
 a) *that record is required for the exercise or protection of any rights;*

- 7.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 7.3.6.1. an internal appeal;
  - 7.3.6.2. a complaint to the Regulator; and
  - 7.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 7.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

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b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and  
 c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

7.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and

7.3.10. the regulations made in terms of section 92<sup>11</sup>.

**7.4.** Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

7.4.1. upon request to the Information Officer;

7.4.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>). The contact details of the Regulator are in the table below.

<b>The Office of the Information Regulator</b>	
<b>Telephone</b>	Not available
<b>Fax</b>	Not available
<b>E-Mail Address</b>	General inquiries: <a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a> Complaints: <a href="mailto:complaints.IR@justice.gov.za">complaints.IR@justice.gov.za</a>
<b>Postal Address</b>	P O Box 31533 Braamfontein, Johannesburg, 2017
<b>Street Address</b>	J.D. House 27 Stiemens Street Braamfontein, Johannesburg, 2001
<b>Website</b>	<a href="https://www.justice.gov.za/infoereg/">https://www.justice.gov.za/infoereg/</a>

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

## 8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY THE DEPARTMENT OF LOCAL GOVERNMENT

The DLG holds records on the following subjects and categories:

CATEGORIES AND SUBJECT MATTER	Programme Requires a request	Programme Automatically available (Open Data)
<p>8.1.1 <b>Organisation and Control</b></p> <ul style="list-style-type: none"> <li>– Delegation of Powers</li> <li>– Planning</li> <li>– Office instructions and codes</li> <li>– Reports</li> <li>– Statutory reports submitted to Provincial Treasury</li> <li>– Policy and Strategy</li> <li>– Assessment report on the alignment /non-alignment of the Department's APP to the Provincial Strategic Plan</li> </ul>	Programme 1	
<p>8.1.2. <b>Statutory and Regulatory Framework / Legislation</b></p> <ul style="list-style-type: none"> <li>– National Constitutional Framework</li> <li>– National Legislation</li> <li>– Western Cape Provincial Legislation</li> <li>– Local Government Legislation</li> <li>– Legal opinions in respect of local government</li> <li>– Councillor remuneration</li> <li>– Code of Conduct for Councillors</li> <li>– Commissions / Committees of investigation</li> <li>– Litigation</li> <li>– Questions in the Legislature</li> <li>– Valuation Appeal Boards</li> </ul>	Programmes 1, 2 and 3	

<ul style="list-style-type: none"> <li>– Interim Valuations</li> <li>– Monitoring and Reporting: Valuation Quality</li> <li>– Levy on Property Tax</li> <li>– Municipal Demarcation</li> <li>– Local Government Elections</li> <li>– Municipal Performance Management</li> <li>– Research</li> <li>– Municipal indigent registers</li> <li>– Thusong services centres</li> <li>– Community Development Workers Programme</li> <li>– Inter-governmental Relations</li> <li>– Ward Committee Support</li> <li>– Municipal Infrastructure Grant</li> <li>– Integrated Development Planning</li> <li>– Fire Prevention and Preparedness</li> <li>– Disaster Management</li> </ul>		
<p><b>8.1.4 Internal Financial Management</b></p> <ul style="list-style-type: none"> <li>– Budget</li> <li>– Accounting responsibility</li> <li>– Expenditure</li> <li>– Banking Arrangements</li> <li>– Funds</li> <li>– Corporate Assurance</li> <li>– Internal Audit</li> <li>– Audit reports</li> </ul>	Programme 1	
<p><b>8.1.5 Supply Chain Management</b></p> <ul style="list-style-type: none"> <li>– Procurement</li> <li>– Provisioning</li> <li>– Asset management</li> </ul>	Programme 1	
<p><b>8.1.6 Internal Facilities Management</b></p> <ul style="list-style-type: none"> <li>– Buildings</li> <li>– Equipment and Furniture</li> </ul>	Programme 1	

<ul style="list-style-type: none"> <li>– Telecommunication services</li> <li>– Occupational Health and Safety</li> <li>– Security Management</li> </ul>		
<b>8.1.7 Internal Travel and Transport Services</b> <ul style="list-style-type: none"> <li>– Transport</li> </ul>	Programme 1	
<b>8.1.8 Internal Information Services</b> <ul style="list-style-type: none"> <li>– Internal records management</li> <li>– Internal security matters</li> </ul>	Programme 1	
<b>6.1.9 Communications</b> <ul style="list-style-type: none"> <li>– Internal communications</li> <li>– Speeches</li> <li>– Awareness Programmes</li> <li>– Social matters</li> <li>– Participation in events</li> <li>– Publications</li> <li>– Contact details</li> </ul>	Programme 1	
<b>8.1.10 Attending and hosting meetings and other gatherings</b> <ul style="list-style-type: none"> <li>– Auxiliary functions</li> <li>– Line functions</li> <li>– Public participation</li> <li>– Thusong Mobiles</li> <li>– IDP's</li> </ul>	Programmes 1, 2 and 3	

## 9. CATEGORIES OF RECORDS OF THE DEPARTMENT OF LOCAL GOVERNMENT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following records are available for inspection in terms of section 15(1)(a)(i) and copying in terms of section 15(1)(a)(ii).

Documents that are available for download from the WCG portal at <https://www.westerncape.gov.za/dept/local-government> free of charge in terms of section 15(1)(a)(iii) are marked with an asterisk.



Description of categories of records automatically available in terms of section 15(1)(a)	Manner of access to records section 15(1)(b)
(a) Western Cape Provincial Legislation (b) Budget (c) Departmental Strategic Plan (d) Annual Performance Plan* (e) Citizens Report* (f) Annual reports of the Department Local Government* (g) Provincial Disaster Management Framework (h) Provincial Disaster Management Strategic Plan (i) Provincial Disaster Risk and Vulnerability Assessment (j) Risk and development annual review (RADAR) (k) Guidelines to draft a Disaster Management Chapter in a municipal Integrated Development Plan	Records referred to in (a) to (f) are available for inspection at the Office of the Head of Department, Waldorf Building, 80 St Georges Mall, 8th Floor, Cape Town - between 08:00 and 15:00  Records referred to in (f) to (k) are available after obtaining the payment of the prescribed fee from the Record Manager, Waldorf building, 7th floor, Private Bag X9076, Cape Town - between 08:00 and 15:00
(j) Western Cape Government Provincial Gazettes	<a href="https://www.westerncape.gov.za/general-publication/provincial-gazettes-2017">https://www.westerncape.gov.za/general-publication/provincial-gazettes-2017</a>

## 10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DEPARTMENT OF LOCAL GOVERNMENT AND HOW TO GAIN ACCESS TO THOSE SERVICES.

The Public Body renders the following services directly to the public:

### **DIRECTORATE: COMMUNITY DEVELOPMENT WORKERS PROGRAMME**

**CDWs provide information to communities to access government services and to facilitate community access to socio-economic opportunities.**



**SERVICES RENDERED BY THE DEPARTMENT OF THE LOCAL GOVERNMENT****Directorate: Community Development Workers Programme**

- Regularly communicate government and other information to communities in an accessible way.
- Pass concerns and issues on to service providers.
- Coordinate teams of volunteers in community projects.
- Coordinate teams employed on public works programmes.
- Help communities develop and submit proposals for inclusion in integrated development plans to municipalities, other spheres of government or donors.
- Coordinate inter-departmental programmes and encourage integration.
- Maintain communication with CBOs and workers.
- Promote the principles of Batho Pele and community participation.
- Inform communities about problems in the delivery of basic services.
- Help implement projects.
- Liaise with and advocate on behalf of communities with parastatals, NGOs and private donors.
- Monitor, evaluate and report on the impact of developmental projects.
- Help communities deal with disease (such as TB, HIV and Aids) and intensify education and awareness of sexually transmitted diseases and other health matters.
- Help government achieve the People's Contract of a better life for all Act as a resourceful and dedicated public servant.

**How to access these services**

Regional Office: Metro 1  
 1<sup>st</sup> Floor  
 Khayelitsha Shared Services Centre  
 Cnr Walter Sisulu & Steve Biko Roads  
 Khayelitsha, 7784  
 Tel: 084 975 9065

Regional Office: Metro 2  
 1<sup>st</sup> Floor  
 Khayelitsha Shared Services Centre  
 Cnr Walter Sisulu & Steve Biko Roads  
 Khayelitsha, 7784  
 Tel: 076 642 8147

Regional Office: Cape Winelands  
 Ground Floor  
 Cape Winelands District Municipality Building  
 51 Trappe Street  
 Worcester, 6849  
 Tel: 082 554 2571  
 Tel: 076 791 1679

Regional Office: West Coast  
 Thusong Centre  
 7 Antonio Sieni Street  
 Langebaan, 7357  
 Tel: 083 660 4935

Regional Office: Central Karoo  
 8 Daniel Street  
 Rustdene  
 Beaufort West, 6900  
 Tel: 061 753 5376

Regional Office: Garden Route  
 Cnr York & Progress Street  
 2<sup>nd</sup> floor  
 York Park Building  
 George, 6530  
 Tel: 063 313 2875

Regional Office: Overberg  
 1 Granny Smith Street  
 Grabouw, 7160  
 Tel: 073 547 9608

## 11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY DEPARTMENT OF LOCAL GOVERNMENT

Not applicable.

## 12. PROCESSING OF PERSONAL INFORMATION

### 12.1. Purpose of the Processing

12.1.1. Personal Information is processed to comply with the Public Body's constitutional and legislative mandates as set out in its Annual Strategic, Business and Performance Plans available at <https://www.westerncape.gov.za/dept/local-government>

12.1.2. Personal Information is used for:

- Human resources and employment purposes such as (1) recruitment, selection and placement; (2) administration of compensation and

benefits; (3) performance management and training; and (4) government reporting.

- Risk management which includes physical and electronic security and access control via biometric and card scanning
- Planning;
- Procurement of goods and services; and
- Rendering of services.

**12.2. Description of the categories of Data Subjects, information processed and recipients thereof**

<b>DATA SUBJECTS</b>	<b>INFORMATION</b>	<b>RECIPIENTS</b>
Prospective employees, current employees, consultants, interns and volunteers	<ul style="list-style-type: none"> <li>- Name, identification number, biographical information;</li> <li>- Contact details;</li> <li>- Educational, employment and criminal history;</li> <li>- Biometric and health information;</li> <li>- Psychometric assessments; and</li> <li>- References, background checks.</li> </ul>	Relevant Provincial and National Government Departments and their agents.
Current employees, consultants, interns	<ul style="list-style-type: none"> <li>- Account information;</li> <li>- Performance reports; and</li> <li>- Skills/training reports.</li> </ul>	Relevant Provincial and National Government Departments and their agents
Prospective and current suppliers, service providers, contractors, sub-contractors and business partners	<ul style="list-style-type: none"> <li>- Name, identification number/company registration number;</li> <li>- Relevant registration number;</li> <li>- Contact details;</li> <li>- Financial history;</li> <li>- References, background checks;</li> <li>- Account information; and</li> <li>- Performance reports.</li> </ul>	Relevant Provincial and National Government: <ul style="list-style-type: none"> <li>- Departments;</li> <li>- Public Entities;</li> <li>- Business Enterprises; and their agents.</li> </ul>

Service users (clients / customers) and visitors.	<ul style="list-style-type: none"> <li>• Name, identification number, biographical information</li> <li>• Contact details</li> <li>• Compliments or complaints</li> </ul>	Relevant Provincial and National Government: <ul style="list-style-type: none"> <li>- Departments</li> <li>- Public Entities; Public Enterprises; and their agents.</li> </ul>
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### 12.3. Planned transborder flows of personal information

The Department of Local Government does not have contracts with businesses outside the borders of the Republic of South Africa.

### 12.4. General Description of Information Security Measures to be implemented by the DLG to ensure the confidentiality, integrity and availability of the information.

12.4.1. The integrity and confidentiality of personal information is protected against anticipated threats and unauthorised access by employing security safeguards that are reasonable and appropriate to the identified risks and the sensitivity of the information.

12.4.2. These safeguards include the following:

12.4.3. Organisational measures:

- The Head of Department takes overall responsibility for the security of all Departmental information.
- The Departmental Security Manager manages this security function in DLG on behalf of the HoD supported by a DLG Security Committee.
- The Information Officer (IO) ensures that appropriate measures are in place to safeguard ICT infrastructure, networks and systems. This includes taking responsibility for third parties that develop, access or use WCG ICT infrastructure, networks and systems.
- A Chief Information Security Officer (CISO) assesses and documents enterprise information risk and manages the risk in respect of ICT infrastructure, networks and systems.

- Safekeeping and security responsibilities are included in the responsibilities of employees working with personal information and they have to adhere to information security laws, policies, plans and procedures.
- Security incidents are reviewed and reported on.

12.4.4. Physical measures:

- Access to facilities and equipment is controlled and auditable.
- Access points are limited with provision for physical security controls, such as window bars, grilles, shutters and security doors. Where required access points are enhanced by the use of intruder detection systems, guard services and/or closed-circuit television surveillance.
- Access is controlled and monitored through a combination of manned guarding, electronic access control systems, ID access cards, visitor management systems, biometric activation doors, turnstiles and entry & egress searching.

12.4.5. Technical measures

- The Information Security standards issued for the public service is adhered to.
- Agreements concluded with third parties include the protection of the integrity and confidentiality of information by the third parties.
- Risks are assessed during the development of new applications and systems, when changing existing systems, when changing business processes and when areas of concern are identified.
- Risk to the ICT infrastructure, networks and systems is managed through vulnerability and threat testing and awareness, audit controls, incident management and security awareness training.

12.4.6. Similar safeguards are required from service providers, suppliers and business partners who receive personal information from or on behalf the WCG during their relationship with DLG.

**13. ACCESSIBILITY AND AVAILABILITY OF THIS MANUAL**

**13.1.** The manual is available in English, Afrikaans and Xhosa for viewing between 7:30 and 16:00 from Mondays to Fridays (excluding public holidays) at

- The Department of Local Government, 80 St Georges Mall, Waldorf Arcade, 9<sup>th</sup> floor, Cape Town; and
- The office of the Deputy Information Officer Mr Albert Dlwengu at 80 St Georges Mall, Waldorf Arcade, 8<sup>th</sup> floor, Cape Town.

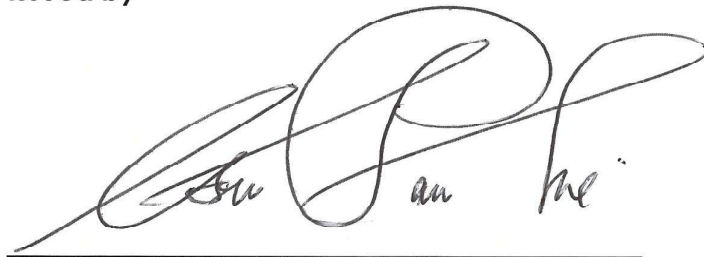
**13.2.** This manual, and the Afrikaans and Xhosa translations thereof, may be accessed online through the Department's website. The link to the website is as follows:

<https://www.westerncape.gov.za/dept/local-government>

**14. UPDATING OF THE MANUAL**

The Department of Local Government will, if necessary, review, update and publish this manual annually.

**Issued by**

A handwritten signature in black ink, appearing to read 'Graham Paulse', written over a horizontal line.

**Graham Paulse**

**Head of Department**

**APPENDIX A:  
GUIDANCE ON ACCESS TO RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE**

**1 COMPLETION OF APPLICATION FORM, PAYMENT OF FEES and FORM OF ACCESS – sections 18, 19, 22, 29 and 31.**

1.1 Application form

- A prescribed form (attached as **FORM 2** must be completed by the requester and submitted to the Information Officer/Deputy Information Officer.
  - If a requester cannot read or write or complete the form due to a disability, the request may be made orally. The Information Officer/ Deputy Information Officer will then complete Form 2 on behalf of the requester, keep the original and give the requester a copy thereof.
  - A request may be made on behalf of another person but then the capacity in which the request is made must be indicated on Form 2. The requester must also submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer/Deputy Information Officer.
  - A requester (data subject) seeking to confirm whether his/her personal information is held by the public body or the identities of third parties who had access or requires access to his/her own personal information must provide proof of their identity and is required to supply a certified copy of their identity document for authentication purposes.

1.2 Fees

- The fees for requesting and searching for a record, as well as making copies of the record, are prescribed by the regulations made in terms of PAIA. (Attached as **FEE SCHEDULE**) The following fees are payable:
  - Request fee of R100.00 for each request;
  - Access fee for the reasonable time spent to search for and prepare the record, if it takes more than an hour to search and prepare a record. A deposit, of not more than a third of the total access fee, may be required. However, the full access fee is payable before access is granted; and
  - For making copies of the record.

1.3 Applicants who are exempt from paying a request fee:

- A maintenance officer/investigator requesting access to a record for a maintenance investigation or inquiry in terms of the Maintenance Act, 1998 (or regulations made in terms thereof.)

1.3 A person requesting a record that contains his/her personal information.

1.4 Applicants who are exempt from paying an access fee:

- A person requesting a record that contains his/her personal information.
- A single person whose annual income does not exceed R14 712 per annum.
- Married persons, or a person and his or her life partner whose annual income does not exceed R27 192.

1.5 Form of access

- A requester must indicate on Form 2 if a copy or an inspection of the record is required.
  - If a copy is required, the requester must indicate the form thereof (e.g., printed or electronic) and the preferred language (where the record is available in more than one language). The Department does not translate records that are only available in one language.
- The record will be provided in the requested format unless it is impractical, or it will unreasonably interfere with the running of the Department's business

**2 DECISION TO GRANT OR REFUSE ACCESS – Sections 25 and 26**

2.1 Time period to make a decision

The Information Officer/ Deputy Information Officer must as soon as reasonably possible after receipt of the R100,00 and the completed Form 2, but at least within **30 days** of receipt thereof, decide whether to grant or refuse the request and notify the requester of the decision.

2.2 Extension of time period

The Information Officer / Deputy Information Officer may extend the period of 30 days, **once** for a further period of **30 days** in the following circumstances:

- the request is for a large number of records or requires a search through a large number of records and attending to the request unreasonably interferes with the department's activities;
- the request requires a search for records from an office that is not in the same town or city as that of the Information officer/Deputy Information Officer;
- consultation is required with other departments of the WCG or other public bodies to decide upon the request; or
- the requester consented to an extension.



### 3. RECORDS THAT CONTAIN INFORMATION OF THIRD PARTIES – sections 47, 48

#### 3.1 Notification:

The Information Officer/Deputy Information Officer must take all reasonable steps to inform a third party as soon as possible, but at least within **21 days**, of receipt of any request for a record that contains:

- a third party's personal information;
- a third party's trade secrets;
- a third party's financial, commercial, scientific or technical information and disclosure would likely cause commercial or financial harm to the third party;
- information supplied by a third party in confidence and the disclosure would prejudice or put the third party at a disadvantage in contractual or other negotiations or commercial competition;
- information supplied in confidence by a third party and disclosure would (i) amount to a breach of a duty of confidence owed to the third party in terms of an agreement; or (ii) reasonably prejudice the future supply of similar information which should, in the public interest, be supplied; or
- information about research being carried out by or on behalf of a third party that would seriously disadvantage either the third party, the agent or the research subject matter.

#### 3.2 Third Party representations and consent

Within **21 days** of the notification (3.1 above) a third party may either (i) make written or oral representations to the Information Officer/ Deputy Information Officer why the request should be refused; or (ii) give written consent for the disclosure of the record.

#### 3.3 Decision on representation for refusal

The Information Officer/ Deputy Information Officer must as soon as reasonable possible, but at least within **30 days** after the notification (3.1 above) decide whether to grant or refuse the request for access and must notify the third party concerned as well as the requester of the decision.

### 4. INTERNAL APPEAL – sections 74 and 75

#### 4.1 Requester

A requester may lodge an internal appeal, within **60 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to:

- refuse a request for access (see 2 above);
- pay a fee (see 1.2 above);
- extend the period to give access (see 2.2 above).

#### 4.2 Third party

A third party may lodge an internal appeal, within **30 days** after notice is given of a decision by the Information Officer/Deputy Information Officer to grant access to a record that contains information about the third party (see 3 above).

#### 4.3 Manner of internal appeal

An internal appeal is lodged by completing the prescribed form (**Form 4** attached) and delivering or sending it to the Information Officer/ Deputy Information Officer.

### 5. **COMPLAINT TO INFORMATION REGULATOR – sections 77A and 77B**

Only after an internal appeal has been lodged and the requester or third party remains unsatisfied with the outcome of the internal appeal a complaint may be lodged to the Information Regulator.

#### 5.1 Requester

- A requester may complain to the Regulator in respect of:
  - an unsuccessful internal appeal;
  - a disallowed late appeal;
  - a refusal of a request for access to information;
  - a decision about fees;
  - a decision to extend the time to deal with a request; or
  - a decision to provide access in a particular form.

#### 5.2 Third party

- A third party may complain to the Information Regulator in respect of:
  - an unsuccessful internal appeal,
  - any grant of a request for access to information.

#### 5.3 Format

A complaint to the Information Regulator must be made in writing in the prescribed form (**Form 5** attached) within **180 days** of the decision giving rise to the complaint.

### 6. **APPLICATION TO COURT – section 78**

6.1 A requester or third party may apply to court for appropriate relief if

- an internal appeal was lodged and the applicant remains unsatisfied with the outcome of the internal appeal; or
- a complaint was lodged with the Information Regulator and the complainant remains unsatisfied with the outcome of the complaint.

6.2 The application to court must be made within **180 days** after being informed of the outcome of the internal appeal or the decision by the Information Regulator, as the case may be.

## FORM 2

### REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Address)

E-mail address: \_\_\_\_\_

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

Mark with an "X"

Request is made in my own name       Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

**PARTICULARS OF RECORD REQUESTED**

*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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

**TYPE OF RECORD**

*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

**FORM OF ACCESS**

*(Mark the applicable box with an "X")*

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <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>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<i>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.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

<b>FEEES</b>	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication ( <i>Please specify</i> )

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

\_\_\_\_\_  
*Signature of Requester / person on whose behalf request is made*

-----  
**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

\_\_\_\_\_  
**Signature of Information Officer**

## ANNEXURE B FEES

### *Fees in Respect of Public Bodies*

<u>Item</u>	<u>Description</u>	<u>Amount</u>
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor)  (ii) Compact disc . If provided by requestor . If provided to requester	R40.00  R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from the Service Provider
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on:  (i) Flash drive (to be provided by requestor)  (ii) Compact disc . If provided by requestor  . If provided to the requestor	R40,00  R40,00 R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100,00  R300,00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

# INTERNAL APPEAL FORM

## FORM 4

[Regulation 9]

Reference Number: .....

PARTICULARS OF PUBLIC BODY					
Name of Public Body					
Name and Surname of Information Officer:					
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL					
Full Names					
Identity Number					
Postal Address					
Contact Numbers	Tel. (B)		Facsimile		
	Cellular				
E-Mail Address					
Is the internal appeal lodged on behalf of another person?		Yes		No	
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>					
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>					
Full Names					
Identity Number					
Postal Address					
Contact Numbers	Tel. (B)		Facsimile		
	Cellular				
E-Mail Address					



<b>DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED</b> <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the 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 requested by the requester	
Decision to grant request for access	
<b> GROUNDS FOR APPEAL</b> <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

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

\_\_\_\_\_  
**Signature of Appellant/Third party**

**FOR OFFICIAL USE**  
**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the 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:		Yes		
		No		
<b>OUTCOME OF APPEAL</b>				
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>	
	No			

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

\_\_\_\_\_  
**Relevant Authority**

# COMPLAINT FORM

## FORM 5

[Regulation 10]

**NOTE:**

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: [PAIAComplaints@justice.gov.za](mailto:PAIAComplaints@justice.gov.za) or complete online complaint form available at <https://www.justice.gov.za/inforeg/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
  - a. Copy of the form to the Body requesting access to records;
  - b. The Body's response to your complaint or access request;
  - c. Any other correspondence between you and the Body regarding your request;
  - d. Copy of the appeal form, if your complaint relate to a public body;
  - e. The Body's response to your appeal;
  - f. Any other correspondence between you and the Body regarding your appeal;
  - g. Documentation authorizing you to act on behalf of another person (if applicable);
  - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

### CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

- Complainant Personally
- Representative of Complainant
- Third Party

### PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

### FOR INFORMATION REGULATOR'S USE ONLY

Received by: (Full names)			
Position			
Signature			
Complaint accepted	Yes		No
Reference Number			
Date stamp			

Postal address	Facsimile	Other electronic communication ( <i>Please specify</i> )

**PART A  
PERSONAL INFORMATION OF COMPLAINANT**

Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

**PART B  
REPRESENTATIVE INFORMATION**

*(Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)*

Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

**PART C  
THIRD PARTY INFORMATION**

*(Please attach letter of authorisation)*

Type of Body	Private		Public	
Name of Public / Private Body				
Registration Number (if any)				
Name, Surname and Title of person authorised to lodge a complaint				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			

**PART D  
BODY AGAINST WHICH THE COMPLAINT IS LODGED**

Type of body	Private		Public	
Name of public / private body				
Registration number (if any)				

Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				
<b>PART E COMPLAINT</b>				
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>				
Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
<b>PART F DETAILED TYPE OF ACCESS TO RECORDS</b>				
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>			
Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>			
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>			
	<i>The tender or payment of a deposit.</i>			
Repayment of the deposit (Section 22(4) of PAIA) <i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>			

Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60 (a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/ unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3) (a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other (Please explain)		
<b>PART G EXPECTED OUTCOME</b>		
How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
<b>PART H AGREEMENTS</b>		

**The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:**

*I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.*

*The information in this Complaint Form is true to the best of my knowledge and belief.*

*I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.*

*I authorize anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.*

*If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.*

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

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**Complainant/Representative/Authorised person of Third party**