
ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE



PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

NO	TABLE OF CONTENTS	PAGE NO
1	GLOSSARY OF ABBREVIATIONS	3
2	INTRODUCTION TO THE ORGANISATION [Section 14(1)(a)]	3
3	CONTACT DETAILS [Section 14(1)(b)]	3
4	THE GUIDE TO USE THIS MANUAL [Section 14(1)(c)]	4
5	AVAILABILITY OF THIS MANUAL [Section 14(3)]	5
6	POLICY FORMULATION AND DECISION-MAKING [Section 14(1)(g)]	5
7	THE INFORMATION AND CATEGORIES OF RECORDS WE HOLD	5
7.1	Voluntary disclosure and automatic availability of records [Section 15(1)(2)]	5
7.2	Information available in terms of other legislation	6
7.3	Information available at a request in terms of the Act [Section 14(1)(d)]	6
7.4	Other information as may be prescribed [Section 14(1)(i)]	8
8	PROTECTION OF PERSONAL INFORMATION	8
9	PROCESS TO REQUEST ACCESS TO INFORMATION	9
10	OUTCOME OF YOUR REQUEST	10
11	REASONS WHY WE MAY REFUSE YOUR REQUEST	11
12	WHAT YOU CAN DO IF YOU ARE DISSATISFIED WITH A DECISION	11
13	PRESCRIBED FEES	12
14	FORMS	12

1. GLOSSARY OF ABBREVIATIONS

Term	Definition
CM	Council Members
MM	Municipal Manager
EMLM	Elias Motsoaledi Local Municipality
PAIA	Promotion of Access to Information Act, No 2 of 2000
POPIA	Protection of Personal Information Act, No. 4 of 2013
MFMA	Municipal Finance Management Act

2. INTRODUCTION TO THE ORGANISATION [Section 14(1)(a)]

Elias Motsoaledi Local Municipality (EMLM), formerly the great Groblersdal Municipality is a local municipality within the Sekhukhune District, in the Limpopo Province of South Africa. EMLM is the Agro-economical and Ecotourism heartland established in terms of section 152 of the Constitution of the Republic of South Africa: Democratic and accountable governance, sustainable services social and economic development, safe and healthy environment and encourage community involvement.

EMLM's mission is to:

- Ensure provision of sustainable services.
- Deepen democracy through public participation and communication.
- Provide services in a transparent, fair and accountable manner.
- Provide public value for money.
- Create a conducive environment for job creation and economic growth.

3. CONTACT DETAILS [Section 14(1)(b)]

(a) Information Officer

Information Officer	Mr Namudi Reginah Makgata
Postal Address	PO Box 48, Groblersdal, 0470
Physical Address	2 nd Grobler Avenue Groblersdal 0470

Phone	013 262 3056
Email	rmakgata@emlm.gov.za

(b) Deputy Information Officer

The Information Officer has delegated his duties and responsibilities in terms of the Promotion of Access to Information (PAIA), No.2 of 2000 and Protection of Personal Information Act (POPIA), No.4 of 2013 to the Deputy Information Officer with the below details:

Deputy Information Officer	Mr Jan Mashite Maboja
Postal Address	PO Box 48, Groblersdal, 0470
Physical Address	2 nd Grobler Avenue Groblersdal 0470
Phone	013 262 3056
Email	jmaboja@emlm.gov.za

4. THE GUIDE TO USE THIS MANUAL [Section 14(1)(c)]

Section 10 of the PAIA requires a guide to be published by the Information Regulator (South Africa) with regard to reasonable requests by a person wishing to exercise or protect any rights in terms of the Act. Queries in this regard can be directed to the following contact details of the Information Regulator:

Postal Address: P.O. Box 31533
Braamfontein
2017

Business Address: JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Email: infoereg@justice.gov.za

Website: www.justice.gov.za

5. AVAILABILITY OF THIS MANUAL [Section 14(3)]

In accordance with paragraph 9(1) of the Regulations to the Act, this manual is published on the organisation's website. This manual sets out to provide anyone who wants to access information in terms of PAIA with the necessary contact details and procedures to ask for that information from the organisation. It provides an overview of the structure and index of information of the organisation to help identify where the required information could be. It also provides the form and prescribed fees we require to assist you. The manual also sets out how we ensure the privacy of personal information that we hold and process.

6. POLICY FORMULATION AND DECISION-MAKING [Section 14(1)(g)]

The policy is determined by the EMLM's Accounting Officer and approved by Council. The EMLM's decision-making processes involve wide consultation, and employees as well as other relevant stakeholders participate in formulating policies and making decisions within the organisation. The interested parties may submit comments and suggestions in writing to the Information Officer at the address provided in this Manual.

7. THE INFORMATION AND CATEGORIES OF RECORDS WE HOLD

7.1. Voluntary disclosure and automatic availability of records [Section 15(1)(2)]

The following categories of records and information are automatically available for inspection and do not require an application in terms of the Act. The information is available, on the organisation's website <https://www.eliasmotsoaledi.gov.za> or through request to the Information Officer:

- Strategic plans
- Annual Performance Plans
- Annual Reports
- Projects Information
- Newsletters, media statements
- Corporate governance structures
- Other public corporate information

7.2. Information available in terms of other legislation

Where applicable, information and records are kept in accordance with the following legislations:

- Basic Conditions of Employment Act No. 75 of 1997
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Electronic Communications and Transactions Act, 25 of 2002
- Constitution of South Africa Act No. 108 of 1996
- Employment Equity Act No. 55 of 1998
- Labour Relations Act No. 66 of 1995)
- Occupational Health and Safety Act No. 85 of 1993)
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Protected Disclosures Act No. 26 of 2000
- Skills Development Act No. 97 of 1998
- Skills Development Levy Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act, 4 of 2002
- Value Added Tax Act No. 89 of 1991

This list is not necessarily exhaustive.

7.3. Information available at a request in terms of the Act [Section 14(1)(d)]

Some categories of records listed in this section may be subject to privacy constraints and applying the relevant conditions of the Protection of Personal Information Act (POPIA), No.4 of 2013 must be considered when addressing the requests for information. These include, amongst others, the records pertaining to the personal information of our employees, service providers, community members, external members serving on our various governance structures and our key external stakeholders. The organisation has the following records:

7.3.1. Finance and administration

- Accounting records
- Management accounts
- Agreements
- Business plans and budgets

- Banking details and bank account records
- Debtors/creditors statements and invoices
- Correspondences
- Tax records

7.3.2. Human resources

- Payroll records
- Professional development records and performance appraisals
- Personnel files including letters of appointment and contracts
- Job descriptions
- Leave records
- PAYE, UIF and SDL records and returns
- Employee IRP 5 returns
- Policies and procedures
- Disciplinary code of conduct

7.3.3. Information Technology

- Contracts and agreements
- Equipment registers
- Insurance records
- Service Providers database
- Telephone exchange equipment
- Telephone lines, leased lines and data lines

7.3.4. Operations

- Policies and procedures
- Reports and supporting documentation
- Security documents

7.3.5. Administration

- Intranet

- Correspondence with internal and external parties

7.4. Other information as may be prescribed [section 14(1)(i)]

Not applicable.

8. PROTECTION OF PERSONAL INFORMATION

Personal information is any information relating to an identifiable living individual or an identifiable, existing juristic person. We collect and use personal information to provide our services and to manage our organisation. You can find more information about how we use personal information in our Privacy Statement available on our website <https://www.eliasmotsoaledi.gov.za>.

8.1. Categories of data subjects and the purposes for which information is collected and used

A description of the categories of data subjects whose information we collect, hold and process as well as the purpose for which we collect and use their personal information is provided below:

Categories of Data Subjects	Purpose for which information is collected and used
Employees	<ul style="list-style-type: none"> • Internal administrative, monitoring and reporting processes pertaining to current employment/ potential future employment within the organisation; • Conducting criminal, qualifications, credit and reference checks; and • Conducting audits and investigations.
Service Providers	<ul style="list-style-type: none"> • Internal administrative processing, monitoring, and reporting processes; • Conducting service provider vetting in order to facilitate the provision of goods and/or services; • Conducting audits and investigations; and • For the purposes of complying with various lawful obligations under the South African legislation.
Members serving on various	<ul style="list-style-type: none"> • Internal administrative processes pertaining to serving as Committee Member of EMLM; • Published reports such as annual reports and financial statements which

Categories of Data Subjects	Purpose for which information is collected and used
Governance Structures of EMLM	will be placed on the organisation's website for public consumption; and <ul style="list-style-type: none"> • Conducting audits and investigations.
Community Members	<ul style="list-style-type: none"> • Internal administrative processing, monitoring, and reporting processes pertaining to community related services and activities.

8.2. Who receives personal information?

We share personal information with:

- Service providers to EMLM;
- Regulators, courts, tribunals and law enforcement agencies;
- Stakeholders involved in the services rendered by our organisation; and
- Relevant South Africa Government Institutions.

8.3. Cross-border flows of information

- We may need to transfer your personal information to another country for processing or storage. We will ensure that anyone to whom we pass your personal information agrees to treat your information with similar protection as provided for in POPIA.
- We may transfer your information to other countries that do not have similar protection as provided for in POPIA, with your consent.

8.4. Information security measures

- We take appropriate and reasonable technical and organisational measures to prevent any unauthorised or unlawful access, loss of, damage to, or unauthorised destruction of personal information.
- We have implemented various policies, procedures, and IT systems to safeguard personal information.
- We regularly verify that the safeguards are effectively implemented and ensure that they are continually updated.

9. PROCESS TO REQUEST ACCESS TO INFORMATION

Section 18(1) prescribes that the requester must use the prescribed Form 2 to make the request for access to a record. The request should be sent using the address, or electronic mail address of the Information Officer provided in this manual. The procedures to follow by the requester are set out below:

- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record(s) and the requester. The requester should also indicate which form of access is required.
- The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify and record the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- The Information Officer must notify the requester (other than a personal requester) by written notice (email or letter), requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The Information Officer or his Deputy Information Officer will then decide on the request and notify the requester in the required form.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search for and prepare the record for disclosure.

10. OUTCOME OF YOUR REQUEST

We will decide whether to grant or decline your request within 30 days of receiving your request. We will notify you of our decision and provide reasons for accepting or refusing your request. If you request large quantities of information or if we cannot reasonably obtain the information you request within the original 30-day period, we might have to extend the period with another 30 days. We will notify you in writing if we require an extension. If we do not give you a decision on a request for access to records

within the period stipulated above, it means that we refused your request in terms of section 27 of PAIA.

11. REASONS WHY WE MAY REFUSE YOUR REQUEST

If the record does not exist, we will inform you. If there are records that we cannot find despite a reasonable and diligent search, we will notify you with an affidavit explaining the measures we have taken to locate the record. If, after we have issued such an affidavit, we find the records, we will grant you access to the records unless the processing of the records would result in a substantial and unreasonable diversion of our resources, or unless your request is clearly frivolous or vexatious, or unless one of the grounds for refusal of access to a record as set in the PAIA applied. For further grounds for refusal of access to records please refer to Chapter 4 of Part 2 of PAIA.

12. WHAT YOU CAN DO IF YOU ARE DISSATISFIED WITH A DECISION

You may appeal or complain about any of the following:

- Our refusal to grant you access to a record;
- The access fee that we charge;
- Our decision to extend the 30 days for responding to your request; and
- The way in which access is granted.

You may lodge an internal appeal or complaint against a decision as follows:

- A member of the public may lodge a complaint in writing with the Information Officer of EMLM.
- The EMLM's internal grievance procedure may be utilised by staff members.

If the complaint is that we have failed to provide access as the PAIA legislation requires, (i.e., a failure to act in terms of the Promotion of Access to Information Act, Act 2 of 2000) and we fail to resolve this through one of the above channels for complaint you may take such steps as provided for in sections 74 to 82 of the PAIA. This provides for you to:

- Complain about our decision to the Information Regulator; and
- Apply to court after following the appeal process.

13. PRESCRIBED FEES

- The “request fee” payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R35.
- The “access fees” referred to in section 22(7) of the Act (unless the requester is exempted under section 22(8)) and “fees for reproduction” referred to in section 15(3) of the Act, are as follows:
 - (a) For every photocopy of an A4-size page or part thereof is R0.60
 - (b) For every printed copy of an A4-size page or part thereof is R0.40
 - (c) Held on a computer or in electronic or machine-readable form for a copy in a computer-readable form on:
 - (i) Stiffy disc is R5 Stiffy
 - (ii) Compact disc is R40
 - (d) (i) For a transcription of visual images, for an A4-size of part thereof is R22
 - (ii) For a copy of visual images is R60
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof is R12
 - (ii) For a copy of an audio record is R17. The actual postal fee is payable when a copy of a record must be posted to a requester.

14. FORMS

The following are PAIA Forms prescribed by the Informational Regulator (South Africa) for use:

- Form 01: [Request for a Guide from the Regulator](#) [Regulation 2]
- Form 01: [Request for a Copy of the Guide from an Information Officer](#) [Regulations 3]
- Form 02: [Request for Access to Record](#) [Regulation 7]
- Form 03: [Outcome of request and of fees payable](#) [Regulation 8]
- Form 04: [Internal Appeal Form](#) [Regulation 9]
- Form 05: [Complaint Form](#) [Regulation 10]
- Form 13: [PAIA Request](#) for [Compliance Assessment Form](#) [Regulation 14(1)]