

INFORMATION



Fezile Dabi

District Municipality

MANUAL

**DETAILED PROCEDURE TO REQUEST RECORDS IN POSSESSION OF
THE MUNICIPALITY, IN TERMS OF SECTION 51 OF PROMOTION OF
ACCESS TO INFORMATION ACT NO: 2 OF 2000**

1. INTRODUCTION

Section 1 of the Constitution of the Republic of South Africa Act, 1996 (Act no: 108 of 1996) (hereinafter referred as the “Constitution”) provides as follows;

The Republic OF South Africa is one of the sovereign, democratic state founded on the following values:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.**
- (b) Non-racialism and non-sexism.**
- (c) Supremacy of the Constitution and the rule of law.**
- (d) Universal adult suffrage, a national common voters roll, regular elections and the multi-party system of democratic government, to ensure accountability, responsiveness and openness.**

In order to protect and promote the aforementioned values, an effective government which is transparent and accountable is essential. To this end, as free a flow of information as possible is necessary to facilitate the exchange of ideas and to ensure that the correct decisions are made and that these decisions are based on full, correct and reliable information. It is accordingly in the interest of the government to encourage the free flow of information from government institutions to the people.

Section 32 of the Constitution of the Republic of South Africa, no. 108 of 1996 “ the Constitution ”, provides that;

- 1. Everyone has the right of access to;**
 - (a) Any information held by the state; and**
 - (b) Any information that is held by another person that is required for the exercise of protection of any rights.**
- 2. National legislation must be enacted to give effect to this right, and may provide reasonable measures to alleviate the administrative and financial burden of the state.

The Promotion of Access to Information Act, 2 OF 2000 “ The Act ”, came into being or enacted on 03 February 2002 to effect to section 32 of the Constitution, giving effect to the constitutional right of access to information held by the State and information held by another person and that is required for the exercise of protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to the request.

2. WHO MAY REQUEST INFORMATION

Any person, who requires information for the exercise of protection of any rights, may request information from a private body, Section 50 of the Act states that;

- 1) A requester must be given access to any record of the state/ Municipality if-
 - (a) That record is required for the exercise or protection of any right,
 - (b) That a person complies with the procedural requirements relating to a request for access to the record in terms of the Act.
 - (c) Access to that record is not refused in terms of any grounds for refusal contemplated in Chapter 4 of the Act.

3. PROCEDURE FOR OBTAINING ACCESS TO MUNICIPAL RECORDS

3.1 Contact details

Any person who wishes to request any information from Fezile Dabi District Municipality with the aim of protecting or exercising a certain right may contact Information Officer (Municipal Manager) or Deputy Information Officer, their contact details are as follows;

The Information Officer – Dr. MMV Mongake

Fezile Dabi District Municipality

B.O. Box 10

Sasolburg

1947

Tel: 016 970 8607

Fax: 016 970 8725

e-mail: mmongake@nfsdc.co.za

The Deputy Information Officer – Mr. Jabulani Radebe

Fezile Dabi District Municipality

P.O Box 10

Sasolburg

1947

Tel : 016 970 8723

Fax : 011 970 8733

e-mail: ace.radebe@nfsdc.co.za

3.2 Prescribed Access Forms

In terms of section 53, a request for access to a record of Fezile Dabi District Municipality must be made in a prescribed form submitted to the address, fax or e-mail given above.

If the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the Information Officer.

For a specimen of the request form see annexure A to the manual. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requestor.

3.3 Prescribed Fees

Payment of fees is regulated in terms of section 54 of the Act. There is a provision of two types of fees as prescribed in the Act:

- Request fee: This is the non-refundable administration fee paid by requestors. It is paid before the request is considered.
- Access fee: this is paid by all requestors only when access is granted. The fee is intended to reimburse the Municipality for the costs involved for the costs involved in preparing and the delivery of a record.

The Municipality will release a record only when the prescribed fee is paid in full by the requestor.

3.3.1 Requester other than Personal Requester

The Information Officer must give written notice to a requester other than personal requester of the request fee and the amount to be paid before the request is processed.

If in the Information Officer`s opinion the search for a record, or preparation of the record for disclosure will require more than prescribed hours, the Information Officer may require the requester to pay a deposit if the request is granted. The deposit will not exceed the one third of the access fee. In the event the request is declined the, the deposit must be paid back to the requester.

The Information Officer will by all means advice the requester that he/she has the right to apply to court against the payment of the request fee or deposit, and also advice of the procedure of the application.

3.3.2 Personal Requester

In terms of the Act a personal requester is means a requester seeking access to a record containing information about the requester.

A personal requester is not liable to pay a request fee, is liable for a payment of access fee in case of a request being granted but may not pay any deposit before granting of a record.

4. RECORDS IN POSSESSION OF THE MUNICIPALITY

1. Council reports
2. Management reports
3. Departmental reports;
 - Municipal Manager
 - Finance
 - Corporate Support Service
 - LED & Tourism
 - Public Works and Project Management
 - Environmental Service and Disaster Management
4. Personal reports
5. Third party reports
6. Service Provider related reports
7. Legislative information

5. RECORDS AVAILABLE WITHOUT FORMAL REQUEST

1. Integrated Development Plan
2. Annual Report

It is still the prerogative of the Information Officer to consider and decide whether or not to grant access to any information cited above.

6. DECISION MAKING

6.1 The information Officer will take reasonable steps to find and assist the requester with the records as requested.

6.2 It is expected of the Information Officer to respond within 30 days and if it is not possible the requester will be informed accordingly and the reasons thereof will be stated.

7. THIRD PARTY INFORMATION

If the request is for a record pertaining to a third party, the information Officer will need to communicate and get consent from the third party before responding to the request.

8. GROUNDS FOR REFUSAL

The Information Officer may, in certain circumstances, not be able to meet your request. If this is the case the information officer will inform you in writing of our refusal of your request and the reason for it.

The refusal of the Information Officer will be determined by the categories of information that require protection against disclosure. The categories that need protection are ***state secret, trade secret and personal information***.

- **A state secret consists of information-**
 - (a) Known only to a limited number of people and**
 - (b) Which ought to be kept secret in order to prevent the safety and interest of the Republic from being endangered.**

- **A trade secret is any information-**
 - (a) Known only to the limited number of people;**
 - (b) Concerning commercial or industrial activities of a specific organization or an individual;**
 - (c) In respect of which the organization or the individual concerned has demonstrated its or his or her desire to keep it secret; and**
 - (d) Which needs to be kept secret in order to protect the economic interest of the state, the organization or the individual concerned.**

- **Personal information is any information-**
 - (a) Known only to limited number of people;**
 - (b) Concerning the individual person; and**
 - (c) In respect of which the individual has demonstrated his/ her desire to keep it private and not to disclose it to the general public.**

9. RIGHTS OF APPEAL

Any dissatisfaction with regard to the Information Officer's refusal to grant access to information may within 30 days of notification of the decision apply to the court for reconsideration of the application and subsequent relief.

HUMAN RIGHTS COMMISSION

The relevant and more information pertaining to the information manual may be requested from the Human Rights Commission whose contact details are;

Private Bag x 2700

Houghton

2041

Tel : 011 484 8300

Fax : 011 484 1360

1. SELELEKELA

Karolo ya 1 ya Molao-theo wa Rephaboliki ya Afrika Borwa (Molao wa 108 wa 1996) (o tsejwang mona e le “Molao-theo”) e hlalosa tjena:

Rephaboliki ya Afrika Borwa ke e nngwe ya dinaha tse ikemetseng tsa puso ya setjhaba ka setjhaba (demokrasi) tse thehilweng hodima maemo a latelang:

- (a) Seriti sa botho, katleho ya tekano le ntshetsopele ya ditokelo tsa botho le bolokolohi.**
- (b) Ho se kgetholle ho ya ka morabe le bong.**
- (c) Bookamedi ba Molao-theo le taelo ya molao.**
- (d) Kgetho ya batho ba baholo ka kakaretso, lenane la dikgetho la naha, dikgetho tsa kamehla le tsamaiso ya mekga e mengata ya mmuso wa demokrasi, ho tsotella le ponaletso.**

Ho ka sireletsa le ho ntshetsapele maemo a ka hodimo, ho hloka hlahala puso e tiileng, e nang le boikarabelo ebile e sena sephiri. Ka sena, phallo e lokollohileng ya tshedimosetso e a hloka hlahala ho ka kgontsha phapanyetsano ya maano le ho netefatsa hore ho etswa diqeto tse nepahetseng mme ebile diqeto tsena di ithsetlehile hodima tshedimosetso e phethahetseng, e nepahetseng ebile e tshepahala. Ka hona ho molemong wa puso ho kgothalletsa phallo e lokollohileng ya tshedimosetso ho tswa pusong ho ya bathong.

Karolo ya 32 ya Molao-theo wa Rephaboliki ya Afrika Borwa (Molao wa 108 wa 1996) (o tsejwang mona e le “Molao-theo”) e hlalosa tjena:

- 1. Motho e mong le e mong o na le tokelo ya ho fihlella:**
 - (a) Tshedimosetso efe kapa efe e matsohong a puso.**
 - (b) Tshedimosetso efe kapa efe e matsohong a motho e mong e hlokehang bakeng sa ho sireletsa ditokelo dife kapa dife.**
- 2. Ho tlamehile hore ho be le molao wa naha o matlafatsang tokelo ena ebile o ka fana le ka metjha eo ka yona ho ka fokotswang boima ba tsamaiso le ditjhelete pusong.**

Molao wa Ntshetsopele ya Phihlello ya Tshedimosetso, Molao wa 2 wa 2000 (o tsejwang mona e le “molao”), o kentswe tshebetsong ka 03 Hlakola 2002 ho ka matlafatsa Karolo ya 32 ya Molao-theo e fanang ka matla tokelong ya molao-theo ya phihlello ya tshedimosetso e matsohong a puso le tshedimosetso e matsohong a motho e mong

mme yona e hlokahala ho ka sireletsa tokelo efe kapa efe. Ha kopo e etswa ho latela molao ona, setheo sa poraefete kapa sa setjhaba seo kopo e etswang ho sona se tlamehile ho fana ka tshedimisetso eo, ntle le moo Molao o laelang ka ho hlaka hore tshedimisetso e se lokollwe. Molao o hlakisa metjha e hlokahalang ho latelwa ha ho etswa kopo.

2. KE MANG YA KA ETSANG KOPO YA TSHEDIMOSSETSO

Mang kapa mang ya etsang kopo ya tshedimisetso bakeng sa tshireletso ya tokelo efe kapa efe, a ka etsa kopo ya tshedimisetso ho tswa ho setheo sa poraefete. Karolo ya 50 e hlalosa tjena:

1. Mokopi o tlamehile ho fuwa phihlello direkotong dife kapa dife tsa puso / Masepala ha:
 - (a) Direkoto tseo di hlokahala bakeng sa ho phethahatsa kapa ho sireletsa tokelo efe kapa efe.
 - (b) Motho eo a kgotsofaditse dithlokeho tsa metjha e latelwang ho ka fihlella direkoto ho latela Molao.
 - (c) Phihlello direkotong tseo e sa hanelwe ho latela mabaka a ho hana ka tsona jwalo ka ha Kgaolo ya 4 ya Molao e laela.

3. METJHA E LATELWANG BAKENG SA PHIHLELLO DIREKOTONG TSA MASEPALA.

3.1 Dintlha tsa dikgokahanyo.

Manga kapa mang ya labalabelang ho ka fihlella tshedimisetso efe kapa efe Masepaleng wa Lebatowa wa Fezile Dabi ka maikemisetso a ho sireletsa kapa ho phethahatsa tokelo e itseng a ka ikopanya le Mohlanka wa Tshedimisetso (Motsamaisi wa Masepala) kapa Motlatsa Mohlanka wa Tshedimisetso, dintlha tse malebana le dikgokahanyo le bona ke tsena:

Mohlanka wa Tshedimisetso – Dr. MMV Mongake

Masepala wa Lebatowa wa Fezile Dabi

P O Box 10

Sasolburg

1947

Tel: 016 970 8607

Fax: 016 970 8725

E-mail: mmongake@nfsdc.co.za

Motlatsa Mohlanka wa Tshedimosetso – Mr. Jabulane Radebe

Masepala wa Lebatowa wa Fezile Dabi

PO Box 10

Sasolburg

1947

Tel: 016 970 8723

Fax: 016 970 8733

E-mail: ace.radebe@nfsdc.co.za

3.2 Diforomo tse Dumelletsweng tsa Phihlello

Ho latela Karolo ya 53, kopo ya ho fihlella rekoto ya Masepala wa Lebatowa wa Fezile Dabi e tlamehile ho etswa ka foromo e dumelletsweng mme e romellwe atereseng, ka fax kapa e-mail e ka hodimo.

Ha motho a etsetswa kopo, bopaki mabapi le boemo boo mokopi a etsang kopo ka bona bo tlamehile ho gotsafatsa Mohlanka wa Tshedimosetso.

Bona Sekgomathiswa sa A bukaneng ena mabapi le setshwantsho sa foromo ya kopo. Nako e dumelletsweng ho ka etsa kopo e ka se qale ho fihlella mokopi a fana ka tshedimosetso ya bohlokwa e mabapi le mokopi wa poraefete.

3.3 Tefello e dumelletsweng

Ditefello di laolwa ke Karolo ya 54 ya Molao. Molao o dumella mefuta e mmedi ya ditefello:

- Tefello ya kopo: Ena ke tefello ya dihlophiso e sa kgutleng e lefshwang ke mokopi. E lefshwa pele kopo e sekasekwa.
- Tefello ya phihlello: ena e lefshwa ke bakopi bohle ha phihlello e se e dumelletsweng. Tefello ena ke ya ditshenyehelo tsa masepala tse mabapi le ho hlophisa direkoto le ho di romela.

Masepala o tla fana ka rekoto ha fela ditefello tsohle tse dumelletsweng di se di entswe ke mokopi.

3.3.1 Moetsi wa kopo Boemong ba Mokopi

Mohlanka wa Tshedimosetso o tlamehile ho tsebisa moetsi wa kopo boemong ba mokopi ka tefello ya kopo le tjehelete e tlamehileng ho lefshwa pele kopo e ka hlophiswa.

Haeba Mohlanaka wa Tshedimosetso o nahana hore ho batla le ho hlophisa rekoto ho tla feta nako e dumelletsweng, Mohlanka wa Tshedimosetso a kopa ya etsang kopo ho lefa tjehelete ya peheletso ha kopo e ananetswe. Peeletso ena ha ya tlameha ho feta nngwe borarong ba tefello ya phihlello. Ha ho ka etsahala hore kopo e se ananelwe, tefello ya peeletso e tla kgutlisetswa ho mokopi.

Jwang kapa jwang Mohlanka wa Tshedimosetso o tlamehile ho tsebisa mokopi hore o na le tokelo ya ho etsa kopo lekgotleng la dinyewe ho ba kgahlano le tefello ya kopo kapa peeletso, mme a mo tsebise le ka metjha e latelwang ha o etsa kopo ya mofuta ona.

3.3.2 Mokopi wa Sethatho

Ho latela Molao, mokopi wa sethatho ke mokopi ya kopang phihlello ya rekoto e nang le tshedimosetso e amang mokopi.

Mokopi wa sethatho ha a lefe tefello ya kopo, o lokela ho lefa tefello ya phihlello ha kopo ya hae e ananetswe mme a ka se lefe peeletso pele a fumantshwa rekoto.

4. DIREKOTO TSE POLOKELONG YA MASEPALA

1. Ditlaleho (Raporoto) tsa Masepala
2. Ditlaleho (Raporoto) tsa Botsamaisi
3. Ditlaleho (Raporoto) tsa Mafapha:
 - Motsamaisi wa Masepala
 - Matlotlo
 - Ditshebeletso tsa Tshehetso ya Kgwebo
 - LED & Bohahlaudi
 - Mesebetsi ya Setjhaba le Tsamaiso ya Diporojeke
 - Ditshebeletso tsa Tikoloho le Tsamaiso ya Koduwa
4. Ditlaleho (Raporoto) tsa motho ka mong
5. Ditlaleho (Raporoto) tsa kante
6. Ditlaleho (Raporoto) tsa ba etsetsang Masepala mosebetsi
7. Tshedimosetso ka Melao

5. DIREKOTO TSE FUMANEHANG NTLE LE HO ETSA KOPO

1. IDP
2. Ditlaleho (Raporoto) tsa Selemo

E ntse e le boikarabelo ba Mohlanaka wa Tshedimose tso ho ka etsa qeto mabapi le ho fana kapa ho hana ka tshedimose tso efe kapa efe e ho buuwang ka yona kahodimo.

6. HO ETSA QETO

- 6.1 Mohlanka wa Tshedimose tso o tla nka mehato e kgonahalang ho ka batla le ho thusa mokopi ka direkoto tseo a di kopileng.
- 6.2 ho lebelletswe hore Mohlanka wa Tshedimose tso o tla araba nakong e sa feteng matsatsi a 30 mme ha ho sa kgonahale, mokopi o tla tsebeiswa mme a fuwe le mabaka.

7. TSHEDIMOSE TSO KA MOTHO E MONG

Ha kopo e le mabapi le tshedimose tso ka motho e mong ntle le masepala, Mohlanka wa Tshedimose tso o tla tlameha ho tsebisa le ho kopa tumello ho motho eo pele a ka araba kopo.

8. MABAKA A HO HANA KOPO

Ka tlasa maemo a itseng, Mohlanka wa Tshedimose tso a ka nna a hanela kopo ya hao. Ha sena se ka etsahala, mohlanka wa tshedimose tso o tla o ngolla a o hlalose tse mabaka a kganelo ya kopo ya hao.

Kganelo ya tshedimose tso ke mohlanka wa tshedimose tso, e tla tshwaetswa ke mefuta ya tshedimose tso e hlokang tshireletso. Mefuta e hlokang tshireletso ke ***makunutu a puso, makunutu a kgwebo le tshedimose tso ya batho.***

- **Makunutu a puso a akaretsa tshedimose tso e.-**

(a) tsejwang feela ke batho ba itseng.

(b) tlamehileng ho ba pinyane ho sireletsa naha le ditabatabelo tsa yona.

- **Makunutu a kgwebo ke tshedimose tso e.-**
 - (a) tsejwang feela ke batho ba itseng.**
 - (b) mabapi le mesebetsi ya motho kapa setheo se itseng.**
 - (c) eo setheo kapa monnga yona a bontshitseng keletso ya hae ya hore e be pinyane.**
 - (d) tlamehileng hore e be pinyane hore ditabatabelo tsa puso, tsa setheo kapa tsa motho tsa moruo di sireletsehe.**

- **Tshedimose tso ya Batho ke.-**
 - (a) e tsejwang feela ke batho ba itseng**
 - (b) e mabapi le motho eo.**
 - (c) eo monnga yona a bontshitseng keletso ya hore e be pinyane mme e se senolelwe setjhaba.**

9. TOKELO YA BOIPILETSO

Tletlebo mabapi le ho hanelwa ha kopo ya phihlello ke Mohlanka wa Tshedimose tso e ka etswa nakong e sa feteng matsatsi a 30 mora ho tsebiswa ka qeto eo. Mokopi a ka etsa kopo ya boipiletso lekgotleng la dinyewe hore kopo ya hae e sekasekwe botjha.

KHOMISHINI YA DITOKELO TSA BOTHO

Tshedimose tso e fetang ena mabapi le bukana ya tshedimose tso e ka kopjwa ho Khomishini ya Ditokelo tsa Botho ka mokgwa o latelang:

Private Bag X 2700

Houghton

2041

Tel: 011 484 8300

Fax: 011 484 1360

1. INLEIDING

Artikel 1 van die Grondwet van die Republiek van Suid-Afrika (Wet nr. 108 of 1996) (hierna genoem “die Grondwet”) bepaal soos volg:

Die Republiek van Suid-Afrika is een, soewereine, demokratiese staat gegrond op die volgende waardes:

- (a) Menswaardigheid, die bereiking van gelykheid en die uitbou van menseregte en vryhede.**
- (b) Nie-rassigheid en nie-seksisme.**
- (c) Die oppergesag van die grondwet en die heerskappy van die reg.**
- (d) Algemene stemreg vir volwassenes, 'n nasionale gemeenskaplike kieserslys, gereelde verkiesings en 'n veelparty-stelsel van demokratiese regering, om verantwoordingspligtigheid, 'n responsiewe ingesteldheid, en openheid te verseker.**

Om bogenoemde waardes te beskerm en te bevorder, is 'n effektiewe regering wat deursigtig en verantwoordbaar is, noodsaaklik. Om dit te bereik, is so 'n vrye vloei van inligting as moontlik nodig om die uitruil van idees te fasiliteer en om te verseker dat die korrekte besluite geneem word en dat hierdie besluite gebaseer is op volledige, korrekte en betroubare inligting. Derhalwe is dit in die regering se belang om die vrye vloei van inligting van regeringsinstellings na die samelewing aan te moedig.

Artikel 32 van die Grondwet bepaal soos volg:

(1) Elkeen het die reg op toegang tot:

- (a) enige inligting wat deur die staat gehou word; en**
 - (b) enige inligting wat deur 'n ander persoon gehou word en wat vir die uitoefening of beskerming van enige regte benodig word.**
- (2) Nasionale wetgewing moet verorden word om aan hierdie reg gevolg te gee, en mag voorsiening maak vir redelike maatreëls om die administratiewe en finansiële las op die staat te verlig.

Die Wet op Bevordering van Toegang tot Inligting, Wet 2 OF 2000 “Die Wet ”, het tot stand gekom of is verorden op 3 Februarie 2002 om aan artikel 32 van die Grondwet gevolg te gee, wat die grondwetlike reg van toegang tot inligting wat deur die Staat en 'n ander persoon gehou word, ten uitvoer bring en wat vereis word om die beskerming van enige regte uit te oefen. Waar 'n versoek ingevolge hierdie Wet gerig word, is die openbare of privaatliggaam aan wie die versoek gerig word, verplig om die inligting vry te stel, behalwe waar die Wet uitdruklik bepaal dat die inligting nie vrygestel mag word nie. Die Wet sit die vereiste prosedures met betrekking tot die aansoek uiteen.

2. WIE MAG INLIGTING AANVRA

Enige persoon wat inligting verlang vir die uitvoer van beskerming van enige regte, mag inligting van 'n privaatlighaam aanvra. Artikel 50 van die Wet bepaal dat:

- (1) 'n Versoeker moet toegang tot 'n rekord van 'n privaatlighaam verleen word indien -
 - (a) daardie rekord vir die uitoefening of beskerming van enige regte benodig word;
 - (b) daardie versoeker aan al die prosedurele vereistes van die Wet voldoen wat betrekking op 'n versoek vir toegang tot daardie rekord het; en
 - (c) toegang tot daardie rekord nie geweier is nie ingevolge enige grond vir weiering wat in Hoofstuk 4 van die Wet beoog word.

3. PROSEDURE VIR VERKRYGING VAN TOEGANG TOT MUNISIPALE REKORDS

3.1 Kontakbesonderhede

Enige persoon wat enige inligting van Fezile Dabi Distriksmunisipaliteit wil aanvra met die doel om 'n sekere reg te beskerm of uit te oefen, mag die Inligtingsbeampte (Munisipale Bestuurder) of Adjunk-Inligtingsbeampte kontak. Hulle kontakbesonderhede is soos volg:

Die Inligtingsbeampte - Dr. MMV Mongake

Fezile Dabi Distriksmunisipaliteit

Posbus 10

Sasolburg

1947

Tel: 016 970 8607

Faks: 016 970 8725

e-pos: mmongake@nfsdc.co.za

Die Adjunk-Inligtingsbeampte – Mnr. Jabulani Radebe

Fezile Dabi Distriksmunisipaliteit

Posbus 10

Sasolburg

1947

Tel : 016 970 8723

Faks : 011 970 8733

e-pos: ace.radebe@nfsdc.co.za

3.2 Voorgeskrewe Toegangsvorms

Ingevolge Artikel 53 moet 'n versoek vir toegang tot 'n rekord van die Fezile Dabi Distriksmunisipaliteit gedoen word op 'n voorgeskrewe vorm wat by die adres, faks of e-pos soos hierbo aangedui, ingedien moet word.

Indien die versoek namens 'n persoon gedoen word, moet bewys voorgelê word van die hoedanigheid waarin die versoeker die versoek rig, tot die bevrediging van die Inligtingsbeampte.

'n Voorbeeld van die aansoekvorm kan gevind word in bylaag A tot die handleiding. Die voorgeskrewe tydperodes sal nie 'n aanvang neem alvorens alle pertinente inligting aangaande die privaatliggaam deur die versoeker voorsien is nie.

3.3 Voorgeskrewe Gelde

Betaling van gelde word ingevolge artikel 54 van die Wet gereguleer. Twee tipes gelde word deur die Wet bepaal:

- Versoekgelde: Dit is die nie-terugbetaalbare administrasiegelde wat deur versoekers betaal word. Dit word betaal alvorens die versoek oorweeg word.
- Toegangsgelde: Dit word deur alle versoekers betaal slegs wanneer toegang verleen is. Die gelde is bedoel om die Munisipaliteit te vergoed vir die kostes verbonde aan die voorbereiding en lewering van 'n rekord.

Die Munisipaliteit sal 'n rekord slegs vrystel wanneer die voorgeskrewe gelde ten volle deur die versoeker betaal is.

3.3.1 Versoeker anders as Persoonlike Versoeker

Die Inligtingsbeampte moet aan 'n versoeker anders as 'n persoonlike versoeker skriftelik kennis gee van die vereiste gelde en die bedrag betaalbaar alvorens die versoek geprosesseer word.

Indien die soektog na 'n rekord of voorbereiding van die rekord vir openbaarmaking na die mening van die Inligtingsbeampte meer as die voorgeskrewe ure sal vereis, mag die Inligtingsbeampte van die versoeker vereis om 'n deposito te betaal indien die versoek toegestaan word. Die deposito sal nie een derde van die toegangsgeld oorskry nie. Sou die versoek afgekeur word, moet die volle deposito aan die versoeker terugbetaal word.

Die Inligtingsbeampte sal die versoeker vir seker inlig dat hy/sy die reg het om by die hof aansoek te doen vir kwytskelding van betaling van die versoekgeld of deposito, en ook inlig oor die prosedure van die aansoek.

3.3.2 Persoonlike Versoeker

Ingevolge die Wet beteken persoonlike versoeker 'n versoeker wat toegang verlang tot 'n rekord wat inligting oor die versoeker bevat.

'n Persoonlike versoeker is nie verantwoordelik vir die betaling van versoekgelde nie, is verantwoordelik vir die betaling van toegangsgelde in geval 'n versoek toegestaan word maar mag nie enige deposito betaal alvorens 'n rekord toegestaan is nie.

4. REKORD IN BESIT VAN DIE MUNISIPALITEIT

1. Raadsverslae
2. Bestuursverslae
3. Departementele verslae:
 - Munisipale Bestuurder
 - Finansies
 - Korporatiewe Ondersteuningsdiens
 - PEO & Toerisme
 - Openbare Werke en Projekbestuur
 - Omgewingsdiens en Rampbestuur
4. Persoonlike verslae
5. Derdepartyverslae
6. Diensverskaffer-verwante verslae
7. Wetgewende inligting

5. REKORDS BESKIKBAAR SONDER FORMELE VERSOEK

1. Geïntegreerde Ontwikkelingsplan
2. Jaarverslag

Dit bly die prerogatief van die Inligtingsbeampte om verlening van toegang tot enige inligting hierbo genoem, te oorweeg en te besluit om toegang te verleen al dan nie.

6. BESLUITNEMING

6.1 Die Inligtingsbeampte sal redelike stappe neem om die rekords te vind en die versoeker met die rekords te help soos versoek.

6.2 Dit word van die Inligtingsbeampte verwag om binne 30 dae te antwoord en indien dit nie moontlik is nie, sal die versoeker dienooreenkomstig ingelig word met opgaaf van redes.

7. DERDE PARTY-INLIGTING

Indien die versoek vir 'n rekord betrekking het op 'n derde party, sal die Inligtingsbeampte met die derde party moet kommunikeer en toestemming van die derde party ontvang alvorens op die versoek reageer word.

8. GRONDE VIR WEIERING

Dit mag onder sekere omstandighede nie vir die Inligtingsbeampte moontlik wees om aan u versoek te voldoen nie. Indien dit die geval is, sal die Inligtingsbeampte u skriftelik in kennis stel van ons weiering om aan u versoek te voldoen met opgaaf van redes.

Die weiering van die Inligtingsbeampte sal bepaal word deur die kategorieë van inligting wat beskerming teen openbaarmaking vereis. Die kategorieë wat beskerming vereis, is ***staatsgeheime, handelsgeheime en persoonlike inligting***.

- 'n Staatsgeheim behels inligting -
 - (a) Bekend aan slegs 'n beperkte aantal persone en
 - (b) Wat geheim gehou moet word om die veiligheid en belang van die Republiek teen enige bedreiging te beskerm.

- 'n Handelsgeheim is enige inligting -
 - (a) Bekend aan slegs 'n beperkte aantal persone;
 - (b) Gemoeid met kommersiële of industriële aktiwiteite van 'n spesifieke organisasie of 'n individu;
 - (c) Ten aansien waarvan die betrokke organisasie of die individu sy of haar wens gedemonstreer het dat dit geheim gehou word; en
 - (d) Wat geheim gehou moet word om die ekonomiese belang van die staat, die betrokke organisasie of individu te beskerm.

- Persoonlike inligting is enige inligting -
 - (a) Bekend aan slegs 'n beperkte aantal persone;

- (b) Wat betrekking het op die individuele persoon; en**
- (c) Ten aansien waarvan die individu sy/haar wens gedemonstreer het dat dit privaat gehou word en nie aan die algemene publiek openbaar gemaak word nie.**

9. REG TOT APPÉL

Indien 'n versoeker enigsins ontevrede is oor die Inligtingsbeampte se weiering om toegang tot inligting te verleen, mag hy/sy binne 30 dae vanaf kennisgewing van die besluit, by die hof aansoek doen vir heroorweging van die aansoek en gevolglike onderstand.

MENSEREGTEKOMMISSIE

Relevante en bykomende inligting met betrekking tot die Inligtingshandleiding mag van die Menseregtekommissie aangevra word. Die kontakbesonderhede is:

Privaatsak x 2700

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