UMZIMVUBU LOCAL MUNICIPALITY

UMZIMVUBU
LOCAL MUNICIPALITY

SECTION 14 MANUAL
(IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000)

UMZIMVUBU LOCAL MUNICIPALITY

TABLE OF CONTENTS

CONTENTS **PAGE NO:**

Preface
1. Abbreviations / Acronyms..... 4
2. **Section 1**
Introduction..... 5
3. **Section 2**
Structure and Functions of the Umzimvubu Local Municipality..... 6
Organisational Structure 6
Functions and Associated Services of Umzimvubu Local Municipality..... 6
4. **Section 3**
Contact Details of Information Officer..... 12
5. **Section 4**
"Section 10 Guide" on How to Use the Act..... 13
6. **Section 5**
Access to Records Held by the Umzimvubu Local Municipality..... 14
Automatic / Voluntary Disclosure..... 14
Description of Subjects and Categories of Records Held by Umzimvubu Local Municipality..... 14
Request Procedure..... 14
7. **Section 6**
Arrangements Allowing for Public Participation / Involvement..... 19
8. **Section 7**
Updating and Availability of the "Section 14 Manual" 20
9. **Section 8**
Conclusion..... 21
Application of this Policy..... 21
Commencement of this policy..... 21
Interpretation of this policy..... 21
Permanent /temporary waiver or suspension of this policy..... 22
Amendment and/ or abolition of this policy..... 22
Compliance and Enforcement..... 23
10. **Annexures**
Annexure A -Map Showing Boundaries of the Umzimvubu Local Municipality Area
Annexure B - Macro Structure of the Umzimvubu Local Municipality
Annexure C -Categories of Records Automatically Available / Voluntary Disclosure
Annexure D -Subjects and Categories of Records Held by the Umzimvubu Local Municipality
Annexure E -Request Form
Annexure F -Fees Payable
Annexure G- Internal Appeals Form

PREFACE

The Promotion of Access to Information Act 2 of 2000 gives effect to the public's right to information from public and private bodies as contained in section 32 of the Constitution to advance and increasingly focus on the development of good corporate governance.

The Umzimvubu Local Municipality (hereinafter referred to as ULM) recognises and is committed in fulfilling its constitutional obligations to, inter alia –

- foster a culture of transparency and accountability in its affairs by giving effect to the right of access to information;
- actively promote and create an enabling environment in which requesters have effective access to information;
- put such necessary measures in place to render it as accessible as reasonably possible for requesters of its records.

Bearing in mind –

that the right of access to any information held by ULM may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic environment based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution and also as specified in Part 2, Chapter 4, of the Promotion of Access to Information Act.

1. ABBREVIATIONS / ACRONYMS

AIDS Acquired Immune Deficiency Syndrome
AMMAS Asset Management and Scientific Services
CBO Community Based Organisation
CPM Competency-Based Performance Management
CRM Customer Relations Management
ED&T Economic Development and Tourism
EIA Environmental Impact Assessment
MANCO Management Committee
ERP Enterprise Resource Planning
GIS Geographic Information Systems
HIA Heritage Impact Assessment
HIV Human Immune Deficiency Virus
HR Human Resources
IDP Integrated Development Plan
IEC Independent Electoral Commission
ICT Information Communication and Technology
KPI Key Performance Indicator
NGO Non-Governmental Organisation
ORM Occupational Risk Management
PABX Private Automatic Branch Exchange
PAIA Promotion of Access to Information Act
PDI Previously Disadvantaged Individual
PHP Peoples Housing Process
RDP Reconstruction and Development Programme
SAP Systems Applications Processing
SETA Sector Education and Training Authority
SLA Service Level Agreement
SMME Small Medium and Micro Enterprises
SPV Special Purpose Vehicle
SRA Special Rating Area
TB Tuberculosis
ULM – Umzimvubu Local Municipality
VAT Value Added Tax

SECTION 1 INTRODUCTION

This manual has been compiled for the Umzimvubu Local Municipality (ULM) and is a requirement in terms of section 14 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000), hereafter referred to as "the Act". This legislation gives effect to the public's right of access to information from public and private bodies as contained in section 32 of the Constitution of the Republic of South Africa (Act 108 of 1996). One of the objectives of the Act is to promote transparency, accountability and effective governance. This objective forms part of the Umzimvubu Local Municipality's strategy to achieve developmental and participatory local government in the Eastern Cape. ULM also strives to be accessible by *inter alia* providing information.

The purpose of the manual is:

- To enable people to exercise their rights in terms of the Act.
- To create an understanding of the functions performed and records kept by the Umzimvubu Local Municipality.
- To assist in fostering a culture of transparency, accountability and to promote public participation.

The Umzimvubu Local Municipality falls within the Alfred Nzo District of the Eastern Cape Province was established on 5 December 2000 by the merging of the previous Mount Ayliff TLC and Mount Frere TLC. It is located in a scenic, culturally and a well-endowed area in terms of natural resources in South Africa and it covers an area of 2506 square kilometers and has a population of approximately 220636people.

Annexure A is a map of the Umzimvubu Local Municipality area, showing the boundaries

SECTION 2 STRUCTURE AND FUNCTIONS OF THE UMZIMVUBU LOCAL MUNICIPALITY

2.1. ORGANISATIONAL STRUCTURE

Local Government is functioning in a consistently changing environment and therefore its structures and services may change. Council's vision, goals and strategic priorities are continuously reviewed and the relevant current structures are aligned with the new strategic direction. The current Organisational structure is set out up to the second reporting level as follows:

2.2. FUNCTIONS AND ASSOCIATED SERVICES OF THE UMZIMVUBU LOCAL MUNICIPALITY

1. OFFICE OF THE MUNICIPAL MANAGER

Municipal Manager: Post Filled

- Project Management and Performance Management to the Directorates of the Office of Municipal Manager.
- Manages the Office of the Municipal Manager
- Serves as an ombudsman
- Liaise with the Political leadership on behalf of Administration

Manager: Office of the Municipal Manager: Post Filled

- provision of administrative support to the Municipal Manager's Office
- Coordinate and control processes and procedures associated with the formulation of the Municipality's legal issues/matters
- Controls, administration, performance management and loss control for inclusion into the plan and program
- Provide guidance and advice to the Municipal Manager in resolving internal matters
- Manage the implementation of the requirements of the Promotion of Access to Information Act, 2000
- Ensure Senior Managers Committee Meetings are held and tasks assigned are implemented accordingly
- Manages developmental project management processes associated with the scoping, resourcing, implementation, monitoring and communication
- Disseminates guidance and information on specific key performance arears and requirements

Manager: IDP and Organizational Performance Management Systems – Post Filled

- IDP Process Management
- SDBIP Implementation and Monitoring
- Corporate Performance Management and SDBIP Implementation
- Coordinating Inter-governmental relations

Manager: Internal Audit – Post Filled

- Revenue and Municipal Entities Audits
- IT Audits
- Expenditure and SCM Audits
- Governance Audits

2. CORPORATE SERVICES

Senior Manager: Post Filled

Manager: Human Resources – Post Filled

- Change Management.
- Collective Bargaining / Local Labour Forum
- Conditions of Service and HR Policy development
- Consulting on General HR Issues
- Dispute Management
- Employee Life Cycle
- HR Consulting Services.
- Organisational Structure/Management.
- Quality Management.
- SALGBC
- Recruitment Strategies and Plans
- Employee Wellness
- Employee Assistance Programme, HIV/AIDS Workplace programme
- Labour Relations
- Occupational Health and Safety
- Payroll
- Training and Development
- Affirmative Action
- Diversity and Gender equity

Manager: Information Systems and Technology – Post Filled

- Infrastructure
- Telecommunications
- Business Applications
- Website Management
- Electronic Governance
- Architecture and Governance
- IT Programme Office and Admin
- Distributed Computing

Manager: Sound Governance – Post Filled

- Secretariat Services
- Council Support
- Corporate Records Management and Registry Services
- Strategy, Development & Alignment.
- Strategy Monitoring, Reporting & Support.
- Information & Knowledge Management.
- .Promotion of customer satisfaction in accordance with Batho Pele Programmes

3. INFRASTRUCTURE AND PLANNING

Senior Manager: Infrastructure & Planning: Post Filled

Manager: Project Management – Post Filled

- Planning the integrated development and maintenance of roads and stormwater systems for a sustainable future
- Formulating and advocating policies for roads and stormwater services for ULM
- Managing Capital Projects
- Managing and Maintaining the existing roads and stormwater assets
- Conducting road rehabilitation and reseal programmes
- Improving flood risk management
- Expanded Public Works Programme
- Municipal Infrastructure Grant
- Program Management
- Infrastructure Development Coordination

Manager: Building and Planning – Post Filled

- Informal Settlements
- Housing Land and Forward Planning
- Existing Settlements
- New Settlements
- Support Services
- Architecture

• Quantity Survey
• Construction Management
• Building Development and Management

Manager: Development Planning – Post Filled

• Support Services
• Urban Renewal Planning – Mount Ayliff
• Urban Renewal Planning – Mount Frere
• Municipal Spatial Planning
• Public Space and Landscape
• Urban Design
• Land Use Management
• Corporate GIS
• Property Disposals and Acquisitions
• Property Information
• Property Market Valuation

4. CITIZEN AND COMMUNITY SERVICES

Senior Manager: Citizen & Community Services: Post Filled

Manager: Community Services – Post Filled

• Community Parks
• Regional Parks
• Cemeteries
• Tree Management
• Swimming Pools.
• Stadia
• Community Halls
• Community Centres
• Expanded Public Works Programme
• Waste Disposal
• Cleaning
• Waste Collections
• Waste Management Planning
• Technical Services
• Support Services
• Biodiversity Management
• Environmental strategy and Partnerships
• Environmental management systems
• Heritage Services
• Provision of Public Library Services.
• Developmental Programmes aimed at meeting the development and information needs of communities.

- Museum
- Social Development Facilitation
- Arts and Culture

Manager: Community Safety – Post Filled

- Support Services
- Crime Prevention
- BY Law Enforcement
- Traffic Enforcement
- Licensing
- Traffic Enforcement
- HIV and AIDS Programmes

5. BUDGET AND TREASURY

Chief Financial Officer: Post Filled

Deputy Chief Financial Officer: Post Filled

Manager: Budget and Reporting – Post Filled

- Operating Budget
- Capital Budget
- Performance Budgeting
- Internal and External reporting

Manager: Supply Chain Management – Post Filled

- Procurement/Tenders/Contract Management
- Service Level Agreements
- Inventory and Stores Management
- Supplier Development.
- Fleet Management
- Assets Management
- Insurance Management

Manager: Revenue – Post Filled

- Debt Management
- Technical Services
- Debtors and Cash
- Billing
- Valuations Operations
- Free Basic Services
- Indigent Management

Manager: Expenditure – Post Filled

- Support Services
- Payroll Management
- Accounts Payable
- VAT Management

6. LOCAL ECONOMIC DEVELOPMENT

Senior Manager: LED – Post Filled

Manager: LED – Post Filled

- Local Area Tourism development
- Destination Development
- Local Area Economic Development and growth
- Business and Development Strategy
- Business Support and Skills Development
- Economic Information and Research
- Expanded Public Works Programme

7. SPECIAL PROGRAMMES & COMMUNICATIONS

Senior Manager: Special Programmes & Communications – Post Filled

Manager: Special Programmes - Post Filled

- Analyzing trends, operating requirements and forward plans to establish/ determine funding/ expenditure for the period and, consolidating the department's operating and capital budget.
- Develop sectional budget projection for annual and midterm budget, and allocate projections to each project as per the needs of the projects.

- Develop demand management plan using template as supplied by Supply Chain management to determine when to process of procurements will be done for the section.
- Evaluating and presenting reports to the immediate superior detailing the Department's performance against specific measures.
- Monitoring and implementing corrective measures to rectify deviations/ acts contrary to financial regulations, audit requirements and departmental procedure.
- Initiating specific sequences (vote transfers, new accounts, tariffs) in consultation with the immediate superior, finance Management team aimed at regularizing expenditure.
- Monitor spending of sectional budget expenditure to address deviation uncounted thereof.
- Keeping abreast of legislative changes and National and Provincial Government requirements with respect to access to information and formulating methodologies/ policies dictating procedural applications for consideration and approval by immediate manager and the council.
- Analysing the effectiveness of the functionality in maintaining positive perceptions with the immediate and Local community and implementing corrective measures to align structures and systems.
- Providing advice/ opinions to the immediate Manager and other senior Managers on the special programs process through the analysis and evaluation of attitudes and needs of the targeted community special groups.

Manager: Public Participation - Post Filled

- Public Participation
- Management of the Office of the Speaker
- Management of the Office of the Chief Whip
- Ward Committees Monitoring
- Stakeholder engagement
- Customer Care – petitions Management
- Presidential hotline Management
- Monitoring of Ward Clerks and CDWs
- Council events and project hand overs

Manager: Communications & Public Relations – Post Filled

- Conducting research into best practices associated with the functionality and determining the appropriateness of specific policies/ procedures for implementation.
- Analyzing and aligning requirements with operating capacity and capability.
- Evaluating and commenting on the applicability of specific key performance indicators and measures against outcomes detailed in the departments Business and Strategic Plans.
- Presenting a conceptual framework of current and future interventions necessary to support core service delivery areas with accurate information and records of work in progress and/ or projects and maintenance assignments.
- Keeping abreast of legislative changes and National Government requirements with respect to access to information and formulating methodologies/ policies dictating procedural applications for consideration and approval.
- Analysing the effectiveness of the functionality in maintaining positive perceptions with the immediate and broader community and implementing corrective measures to align structures and systems.
- Providing advice/ opinions to the management on the communication process through the analysis and evaluation of attitudes and needs of the target public.
- Interpreting situational and contextual issues and researching relevant topics to enable the preparation of speeches.
- Maintaining control of the branding of the municipality through the implementation of procedures to monitor usage and application of colours/ logo in media, advertisements, corporate stationery, etc.
- Manage the day-to-day internal and external communications and marketing activities of the municipality

- Manages the formulation of Forums and Committees to promote communication and discussion on communication priorities and concerns and ensure that guideline are adhered to.
- Liaise with all the relevant external stakeholders and organized civil society in the promotion of good relations with the Council.
- Interacting and establishing media needs, attending to specific enquiries and seeking approval for the release of information or comments to the different media forms.
- Develop draft speeches/communication for the MAYOR to address the community

SECTION 3 CONTACT DETAILS OF INFORMATION OFFICER / DEPUTY INFORMATION OFFICERS

Formal requests for access to information made in terms of the Act must be addressed to the Information Officer or Corporate Deputy Information Officer.

Information Officer

The Municipal Manager
Private Bag X9020
Mount Frere, 5090

All requests for information automatically / voluntarily available (see Annexure C in this regard), as well as general enquiries regarding the availability of information, must be directed to the relevant Deputy Information Officer listed below. As indicated above, all formal requests for access to information must be addressed to the Information Officer.

Corporate Deputy Information Officer

Senior Manager: Corporate Services
Mrs. Thozama Madotyeni-Ngcongca
Telephone: (039) 255 - 8509
Fax: (039) 255 0167
E-mail: Ngcongca.thozama@umzimvubu.gov.za
Postal Address: Private Bag X9020
Mount Frere, 5090

Deputy Information Officers

Manager: Sound Governance
Mr. Mandisi Ngxekana
Telephone: (039) 255 - 8567
Fax: (039) 255 0167
E-mail: Ngxekana.Mandisi@umzimvubu.gov.za

SECTION 4 "SECTION 10 GUIDE" ON HOW TO USE THE ACT

In terms of section 10 of the Act, the Human Rights Commission must compile a guide containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide will be available from the South African Human Rights Commission by no later than July 2012 and enquiries regarding the guide may be directed to:

The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Postal Address
Private Bag 2700
Houghton
2041

Telephone number: (011) 484 8300
Facsimile (fax) number: (011) 484 1360
Website: www.sahrc.org.za
E-mail address: paia@sahrc.org.za

SECTION 5 ACCESS TO RECORDS HELD BY UMZIMVUBU LOCAL MUNICIPALITY

5.1. AUTOMATIC / VOLUNTARY DISCLOSURE

Annexure C describes the categories of records of Umzimvubu Local Municipality which are automatically available without a person having to request access in terms of the Act.

5.2. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS HELD BY UMZIMVUBU LOCAL MUNICIPALITY

"Records" of the Umzimvubu Local Municipality refer to those records created or received in the course of official business and which are kept as evidence of ULM's functions, activities and transactions. There are different **forms** of records, for example correspondence files, maps, plans, registers, agendas and minutes, which could be available in different **media**, e.g. paper or electronic.
Annexure D gives a description of the subjects on which the Umzimvubu Local Municipality holds records as well as the categories of records held on each subject.

5.3. REQUEST PROCEDURE

Access Given

When a record / information is requested in terms of the Act, the requester must be given access thereto if the requester complies with the following:

- All the procedural requirements in the Act relating to the request for access to a record; and
- Access to the record is not refused on any ground of refusal mentioned in the Act.

Form of Request

- The request must be made in writing on the prescribed form, attached as **Annexure E**, and be forwarded to:

The Information Officer or the Corporate Deputy Information Officer
Postal Address:
Private Bag X9020
Mount Frere, 5090
Fax Number:
(039) 255 0167
E-mail: Ngcongca.thozama@umzimvubu.gov.za

- The application should clearly state what information is required and if the request is for a copy of a record or whether the requester would like to view the record at the office of Umzimvubu Local Municipality.

- The application form must be accompanied by the prescribed request fee (For fees, see "Fees Payable").

- If a person asks for access in a particular form, the requester would be given access in the manner that has been asked for, unless doing so would interfere unreasonably with the running of the office, would damage the record, or infringe a copyright not owned by Umzimvubu Local Municipality.

- If the requester wishes to be informed of the decision regarding the request in any other manner, e.g. by telephone / fax / e-mail, in addition to a written reply, it must be indicated as such.

- In cases where the requester is asking for information on behalf of somebody else, the capacity in which the request is being made should be indicated.

- When a requester is unable to read or write or has a disability, the request can be made orally. In such a case, the Information Officer / Deputy Information Officer must complete the form on behalf of the requester.

Fees Payable

- In terms of the Act, two types of fees are required to be paid, namely the request fee and the access fee.

- A requester, who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester must pay the relevant request fee.

- The Information Officer / Corporate Deputy Information Officer will notify the requester to pay the prescribed fee before further processing the request.

- The request fee payable is R35 (thirty five Rand). The requester may lodge an internal appeal or an application to the court against payment of the request fee.

Decision and Notice

- After the Information Officer / Deputy Information Officer has made a decision on the request, the requester will be notified thereof within 30 (thirty) days after the request has been received, unless the period to deal with the request has been extended.

- If the request is granted, a further access fee must be paid for the search, preparation and reproduction of the record where applicable. See also **Annexure F** for fees payable.

- The requester will be given the required information, if available, within a reasonable time after receipt of the application form and prescribed fee.

Transfer of Requests

- If a request for access is made for information which is not in the possession of Umzimvubu Local Municipality, or if the information is more closely connected to another public body, the request will be transferred within 14 (fourteen) days after the request has been received, to the other body/institution/organisation who could provide the information.
-

Records not found / Does not exist

- In cases where records cannot be found or do not exist and all reasonable steps have been taken to find the requested record, the Information Officer will by means of an affidavit/affirmation inform the requester accordingly, giving full reasons.

Deferral of Access

- Requests may be deferred until information becomes available. The requester will be notified accordingly and requested to make representations within 30 (thirty) days as to why the information is required prior to it becoming public.

Refusal of Access to Records

- The Information Officer / Deputy Information Officers may refuse access to records under the circumstances as provided for in part 2, chapter 4, of the Act.

Remedies

Remedies available if Umzimvubu Local Municipality does not comply with the provisions of the Act. A requester may lodge an internal appeal with the Umzimvubu Local Municipality against a decision of the Information Officer or Deputy Information Officer if:

- A request for access is refused.
- The fees charged are unacceptable.
- The period within which a decision with regard to access to a record must be made is extended.
- Access to a record is not provided in the form requested, e.g. electronic copy instead of a print copy.
- A third party may lodge an internal appeal with the Umzimvubu Local Municipality against a decision by the Information Officer or Deputy Information Officers to disclose information relating to the third party.

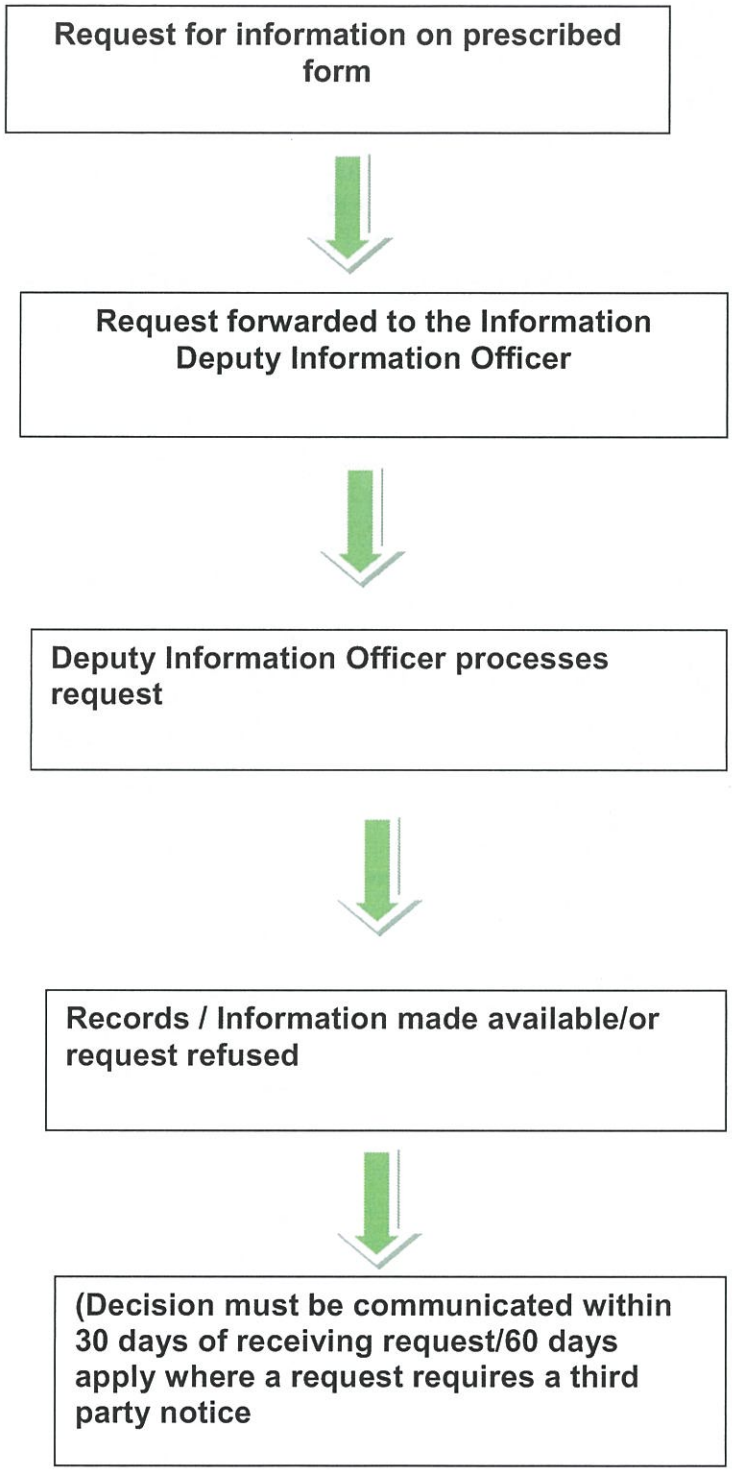
Appeal Procedure

- An internal appeal must be lodged on the prescribed form which is attached as **Annexure G**
  i) Within a period of 60 (sixty) days;
  ii) ii) If notice to a third party is required by section 49(1)(b), within 30 (thirty) days after notice is given to the appellant of the decision appealed against or, if notice to the appellant is not required, after the decision was taken.

The internal appeal -

- Must be delivered, posted, faxed or sent by electronic mail to the Information Officer or Corporate Deputy Information Officer.
- Must identify the subject of the internal appeal and give reasons for the appeal.
- Must state the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply.
- Must, if applicable, be accompanied by the prescribed appeal fee.
- Must specify a postal address, fax number or e-mail address.
- The Information Officer or Corporate Deputy Information Officer must within 10 (ten) working days after receipt of an internal appeal, submit it to the Appeal Authority, namely the Speaker, for consideration.
- Late appeals may be allowed if good cause can be shown.
- A requester or third party may only apply to a court if the internal appeal procedure against a decision of the Information Officer or Deputy Information Officer has been exhausted.

FLOWCHART: FORMAL REQUEST FOR ACCESS TO RECORDS



SECTION 6 ARRANGEMENTS ALLOWING FOR PUBLIC PARTICIPATION / INVOLVEMENT

Public participation in a local government context is governed by the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) and the Municipal Structures Act, 1998 (Act 117 0f 1998). The purpose of the public participation process is to ensure that the Umzimvubu Local Municipality as well as the broader community co-owns the public participation process and the end product.

Segments of the public engaged in public participation are e.g. individuals, sporting / social groups, religious organisations, small medium and micro enterprises (SMMEs), community based organisations (CBOs), non-governmental organisations (NGOs), sectorally-based forums, area-based forums, businesses, ratepayer associations.

The Umzimvubu Local Municipality may use the following methods to engage in public participation:

- Distribution of documents in public places for comment
- Surveys
- Newspaper Advertisements
- Formal public hearings
- Public meetings
- Development of a public participation structure.

SECTION 7 — UPDATING AND AVAILABILITY OF THE SECTION 14 MANUAL

- **Updating**

The manual will be published in the GOVERNMENT GAZETTE and will be updated, if necessary, once a year.

- **Availability**

The manual is available at any of the offices listed below and may be viewed free of charge.

Mount Frere Municipal Offices

Reception Area

Mount Ayliff Municipal Offices

Reception Area

All public libraries

All cash offices

ULM website **www.umzimvubu.gov.za**

The Human Rights Commission
PAIA Unit- The Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone number: (011) 484 8300
Facsimile (fax) number: (011) 484 1360

SECTION 8 CONCLUSION

The Umzimvubu Local Municipality is guided by values such as *Passion, Accountability, Competitive and Diversity* and using the cliché *"We are PACD for you"* in order to promote and achieve good governance. The application of these values re-enforces ULM's commitment to comply with the provisions of the Act. As the Umzimvubu Local Municipality strives to be an accessible municipality and render itself as accessible as reasonably possible for requesters of its records, Deputy Information Officers are available to assist requesters to exercise their rights in terms of the Act. Where individuals experience difficulty in understanding the manual, the Corporate Services Department should be consulted. Enquiries should be directed to the Corporate Services Department at telephone:
039 – 255 0166 / 255 8509 or e-mail: Magadla.phindile@umzimvubu.gov.za

8.1. APPLICATION OF THE POLICY

8.1.1 This policy shall apply to all Employees / Councillor of Umzimvubu Local Municipality and all applicants for information of Umzimvubu local municipality

8.2. COMMENCEMENT OF THIS POLICY

8.2.1 This policy will come into effect on the date of adoption by Municipality.

8.3. INTERPRETATION OF THIS POLICY

8.3.1 All words contained in this policy shall have an ordinary meaning attached thereto, unless the definition or context indicates otherwise.

8.3.2 Dispute on interpretation of this policy shall be declared in writing by any party concerned.

8.3.3 The Municipal Manager shall give a final interpretation of this policy in case of a written dispute.

8.3.4 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Municipality/ or Arbitration / or courts with jurisdiction to hear such matters

8.4. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

8.4.1 This policy may be partly or wholly waived or suspended by the Municipal Municipality on a temporary or permanent basis after consultation with Management and Council.

8.4.2 Notwithstanding clause No. 8.4.1 the Municipal Manager may under circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Municipality and SAHRC.

8.5. AMENDMENT AND/OR ABOLITION OF THIS POLICY

8.5.1 This policy may be amended or repealed by the Municipality after consultation with Management and SAHRC.

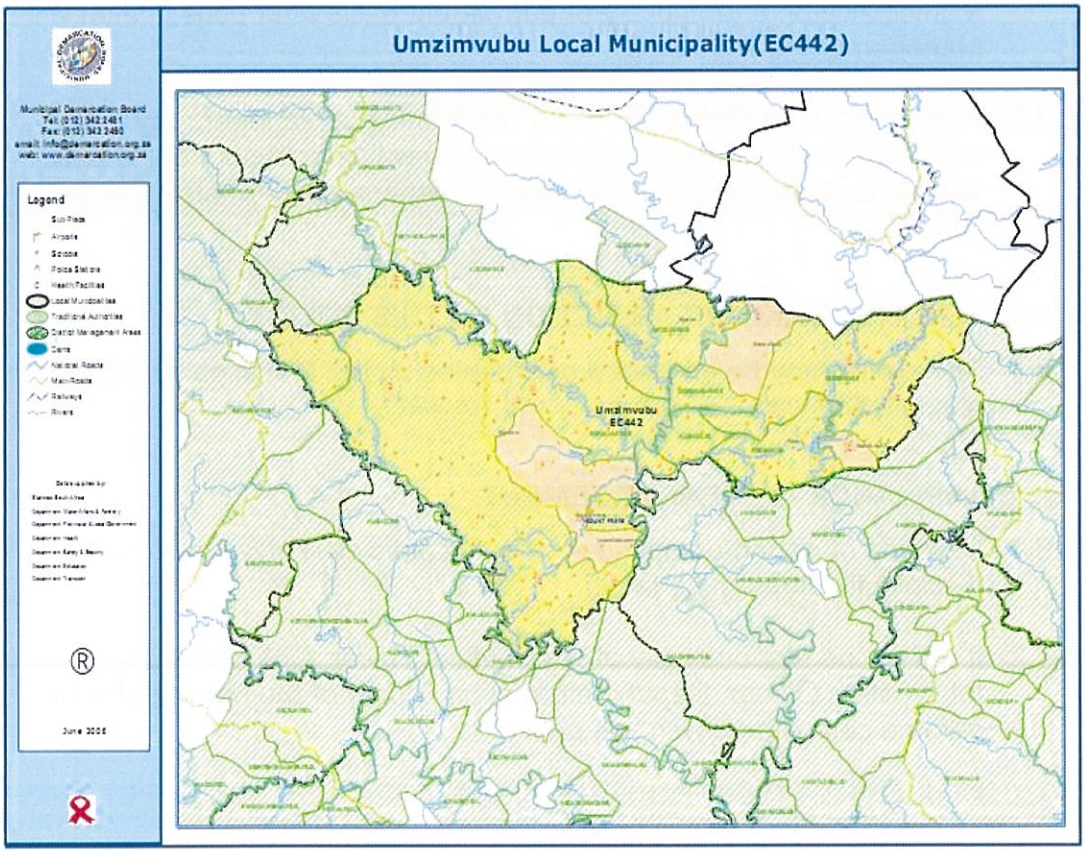
8.6. COMPLIANCE AND ENFORCEMENT

8.6.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

8.6.2 It will be the responsibility of Information Officer, Corporate Deputy Information Officer, Deputy Information Officer of the Municipality to enforce compliance with this policy.

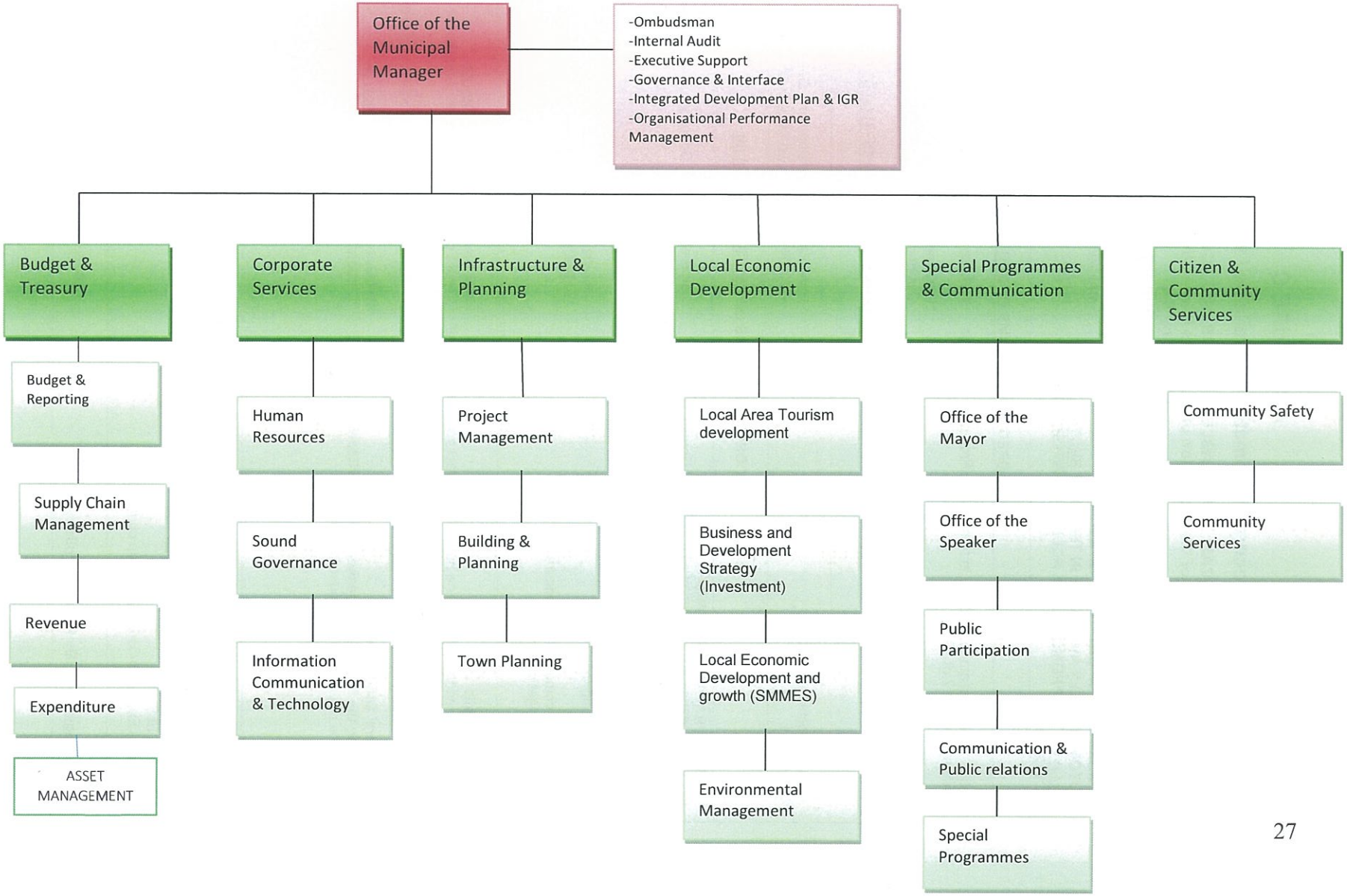
ANNEXURE A

Map showing boundaries of Umzimvubu Local Municipality Area



ANNEXURE B

Macro structure of Umzimvubu Local Municipality



ANNEXURE C

Categories of records automatically available / voluntary disclosure

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:
(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))
[Regulation 5A]
[Form D inserted by GNR.466 of 2007.]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15 (1) (a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15 (1) (b)
FOR INSPECTION IN TERMS OF SECTION 15 (1) (a) (i):	
Section 14 Manual made available in terms of the Promotion of Access to Information Act 2 of 2000 Old Photographs	Website: www.umzimvubu.gov.za / Municipal Offices Corporate Services Department Communications Department
FOR PURCHASING IN TERMS OF SECTION 15 (1) (a) (ii):	
Tourism Brochures and CD Photographs	Local Economic Development Department Website: www.umzimvubu .gov.za/
FOR COPYING IN TERMS OF SECTION 15 (1) (a) (ii):	
Agendas and Minutes of Council (Including agendas and minutes of all meetings of Council structures and those of its predecessors, excluding minutes and agendas that has been marked "confidential").	Corporate Services: Sound Governance Division
Budget and Business Plans Capital Budget Estimates of Income and expenditure Reports on budget control Business Plans	Website: www.umzimvubu .gov.za Budget & Treasury Department
Business Details Name, locality, address, telephone numbers, contact persons, hours of business of all council offices and deports	Website: www.umzimvubu .gov.za Local Economic Development Department
Councilors' Official Details: **(Including the Mayor, the Speaker and Office Bearers)** Information regarding each Councilor's name	Website: www.umzimvubu .gov.za Corporate Services: Human Resources Division
Council Delegations developed in terms of section 59 of the Local government: Municipal Systems Act 32 of 2000 Delegations to Political Office Bearers Members of Staff Structure (Exco, sub-council, portfolio committees)	Website: www.umzimvubu .gov.za Corporate Services: Sound Governance Division
Council Legislation, By laws and Policies	Website: www.umzimvubu .gov.za

Guidelines and Standards: Eastern Cape guidelines for environmental management plans Minimum cleanliness standards Minimum requirements for refuse collection vehicle access at new developments Waste/recycling storage areas/rooms	Website: www.umzimvubu .gov.za Citizen & Community Services: Community Services Division
Integrated Development Plan (IDP)	Website: www.umzimvubu .gov.za
Financial Records: Account Statements (Only available to account owners on, positive identification) Annual Statements Arrears (Only available to account owners, on positive identification)	Website: www.umzimvubu .gov.za Budget & Treasury department
Housing: Land available for housing development Available municipal housing	Website: www.umzimvubu .gov.za Infrastructure & Planning : Housing & Planning Division
Land: Details of Municipal owned land Records of land owned by requester, on positive identification	Website: www.umzimvubu .gov.za Infrastructure & Planning: Town Planning Division
Organisational Structure Organisational Structure of ULM and its Departments	Website: www.umzimvubu .gov.za Corporate Services: Human Resources Division
Planning Business Processes Policy Plans Zoning schemes	Website: www.umzimvubu .gov.za Infrastructure & Planning: Town Planning Division
Registers (where available, excluding personal information of individuals): Moveable Assets Contractors and Service Providers Tenders Awarded New Tenders ULM Approved File Plan	Website: www.umzimvubu .gov.za Budget & Treasury: SCM Unit Corporate Services: Sound Governance Division
Schedules: Refuse Collection Schedules	Website: www.umzimvubu .gov.za Citizen & Community Services: Community Services Division
Reports Umzimvubu Local Municipality Annual Report Municipal Entities Annual Report All Reports Available on the website	Website: www.umzimvubu .gov.za Office of the Municipal Manager
Statistics (excluding personal information of individuals): Health Statistics Waste Minimisation Statistics? Waste Statistics? Other Statistics kept for departmental use in the format in which it is available	Website: www.umzimvubu .gov.za Citizen & Community Services: Community Services Division
Tariffs, Fees, Surcharges	Website: www.umzimvubu .gov.za Budget & Treasury Department

Tenders: Tender Applications of requester after public opening, on positive identification Tender adjudication decisions and minutes after tender award	Budget & Treasury Department
Spatial layers and Maps	Website: www.umzimvubu .gov.za Infrastructure & Planning: Town Planning Division
Staff official information as included in the exceptions to personal information provided for in terms of section 34 (f) of the Promotion of Access to Information Act 2 of 2000: The fact that an individual who is or was an official of the municipality: Title, work address, work telephone number and other similar particulars of the individual. The classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual (NB: Salary scale or remuneration pertains to that of a post currently occupied by the individual, not specific salary or specific remuneration currently earned by an official)	Corporate Services: Human Resources Division
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15 (1) (a) (iii):	
Information brochures **Publications** (all publications by and on behalf of the municipality that have been made public or presented to Council in which no copyright is held by persons or bodies not connected to the Municipality. Print copies may not always be available): Contact Municipal Online News Letter Quarterly Municipal Newsletters	Website: www.umzimvubu .gov.za

ANNEXURE D

SUBJECTS AND CATEGORIES OF RECORDS HELD BY UMZIMVUBU LOCAL MUNICIPALITY

LEGISLATION

Drafting, Amendments, Advertising, Comments and Legal Opinions
Revision of Legislation

ORGANISATION AND CONTROL

Office Management / Instructions
Organisational Development
Delegation of Authority
Service Delivery
Disclosure of Official Information / Confidentiality
Use of Languages
Records Control
Internal Audit
Visits / Inspections
Customer Relations Management
Enterprise Resource Planning (ERP)

ELECTIONS

Local Government Elections
Provincial Elections
National Elections

COUNCIL AND COUNCILLOR MATTERS

Composition of Council, Exco and Portfolio Committees
Representation on Bodies
Council / Committee Meetings
Matters Concerning Councillors
Functioning of Council
Ad-Hoc Committee Meetings
Site Inspections
Establishment of Political Offices

FINANCE

Estimates
Financial Statements
Interdepartmental Recoveries / Recharges
Property Valuations
Property Rates
Loans
Funding / Subsidies Received
Own Funds
Tariffs, Fees, Charges, Fines and Deposits
Credit Facilities
Financial Assistance / Sponsorship Rendered
Financial Management of Bequests
Bookkeeping / Banking
Investments
Risk Finance
Petty Cash
Value Added Tax (VAT)
Reports and Returns
Settlement of Accounts due by Council
Levies
Cashiers Float
Financial Sustainability
Implementation of GAMAP/ GRAP Project

STAFF

Staff Grading
Conditions of Service
Recruitment / Appointments
Terminations
Staff Movements
Job Evaluation / Appeals
Staff Finance
Staff Appraisals
Labour Relations
Staff Control
Assistance
Congratulations, Condolences, Messages of Goodwill to Staff
Newsletters / Notices
Statistics
Standby Duties
Staff Restructuring
Health and Safety

TRAINING AND DEVELOPMENT

Skills Development Plan
Mentorship
Training Needs Assessment
Capacity Building
Statistics
Career Path Development
Staff Training
Councillor Training
Workshops / Information Sessions / Conferences / Seminars

PROCUREMENT SERVICES

Tenders and Contracts
Quotations
Guarantees
Domestic Supplies
Domestic Services

INFORMATION TECHNOLOGY

Licenses
Contracts
Service Level Agreements
ICT Strategies
Security Measures
Support
Application and Operating Systems
Internet
Intranet
Liaison with Companies

PUBLICITY AND INFORMATION

Press Releases
Radio / Television Interviews
Public Participation / Hearing
Own Publications / Videos
Publications by Outside Bodies / Advertising Media
Courtesy Notices Received From / Dispatched to Outside Bodies
Promotion of Products
Participation by Council in Exhibitions and Displays
Emblems
Complaints and Enquiries
Gifts and Souvenirs
History of Council
Compilation of Information Regarding Specific Communities

National / International Networking
Awareness Campaigns
Public Relations / Communications

FESTIVALS AND SOCIAL MATTERS

Speeches
Protocol and List of Addresses
Festivals / Events
Receptions and Functions
Concerts and Performances
Civic Honours / Awards
Commemorative Services / Events
Letters of Thanks, Congratulations, Condolences and Messages of Goodwill
Mayoral Patronage
Memorial Services
Holiday Season Planning, Proposals and Reports

REPORTS, RETURNS AND STATISTICS

Reports
Returns and Statistics
Questionnaires

BUILDINGS AND PROPERTY TRANSACTIONS

Valuation of Council Properties
Buildings
Land

COMPOSITION AND MEETINGS OF BODIES

Internal
External

LEGAL MATTERS

Legal Opinions and Court Decisions
Civil Action Claims
Prosecutions
Contraventions / Complaints
Internal Appeal Decisions

LICENCES AND PERMITS

Licenses
Permits, Certificates and Concessions

PLANNING & BUILDING DEVELOPMENT MANAGEMENT

Zoning Schemes
Forward Planning
Planning Approvals
Land Use Management / Township Control
Naming of Streets
Building plan approval
Control of Advertising
Enforcement: Land Use and Building Control

ECONOMIC PLANNING AND DEVELOPMENT

Foreign Investment Facilitation
Coordinating and Managing Economic Data
Statistics
Main Economic Sectors
Employment Creation
Small, Medium and Micro Enterprises (SMMEs)
Training and Development
Urban Farming / Small Farming Settlements

TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING

Traffic Management Systems
Traffic Impact / Transportation Studies
Traffic Accident / Incident Management Plans
Transport System Management (TSM) Projects
Traffic Data Measurements
Road Accidents
Traffic Calming Measures
Traffic Signs and Road Markings
Traffic Signals
Pedestrian Facilities
Public Transport
Parking

ENVIRONMENTAL MANAGEMENT

Integrated Environmental Impact Assessment (EIA) Studies / Programmes
Sustainable Environment
Environmental Education and Awareness
Environmental Communication and Promotion
Environmental Enforcement
Reports and Returns
Comments on other development proposals
Open Space Planning
Matters Affecting the Environment
Cultural / Heritage Studies

ROADS

Reports
Proclamations and De-proclamations
Road Reinstatements
Street Naming and Numbering
Management of Roads
Local Roads
Provincial Roads
Main and Proclaimed Main Roads
Local Streets and Squares
Access Roads
Private Roads
Footways, Sidewalks, Kerbs, Verges and Boundary Fences
Access Driveways
Bridges and Level Crossings
Intersections
Permanent Closure of Streets, Lanes and Level Crossings
Control of Non-Municipal Construction Works
Servitudes

CLEANSING SERVICES RENDERED

Reports
Statistics
Special Projects
EPWP
Refuse Removals
Supply of Refuse Bins and Bags
Street / Area Cleansing
Cleaning of Storm-water Drains
Public Toilets
Refuse Disposal
Recycling
Co-Disposals

STORMWATER DRAINAGE
Distribution Network
Servitudes

ELECTRICITY
Generation and Purchase of Electricity
Distribution of Electricity
Installation of Electricity

CEMETERIES AND CREMATORIA
Reports and Returns
Cemeteries
Crematoria

MARKETS AND TRADING SERVICES
Flea / Craft Markets
Hawking / Trading Activities

PROTECTION SERVICES

Volunteers
Open Day
Pound Ranges
Disaster Management
Municipal Policing / Law Enforcement
Traffic Control / Enforcement

HOUSING

Planning / Provision
Income of Housing Beneficiaries / Prospective Buyers
Inspection Tours of Housing Schemes
Waiting List / Allocations
Liaison / Role of Housing Associations / Companies
Rapid Land Release
Housing for Indigent
Informal Settlements
Housing Projects
Leased Housing Schemes
Statistics

SPORT AND RECREATION

Liaison with Sport Federations / Councils / Boards
Sport Facilities and Grounds
Swimming Pools
Recreation Facilities / Multi-Purpose Halls / Civic Centres and other Halls
Planning and Staging of Recreational Events

PARKS, GARDENS, PUBLIC OPEN SPACES AND HORTICULTURAL MATTERS

Parks, Public Open Spaces and Gardens
Nurseries, Horticultural Matters and Landscaping

COMMUNICATION AND POSTAL SERVICES

Community Radio Station
Postal / Telecommunication Services

CONTROLLING OF ANIMALS

Pounds
Liaison with Animal Rescue Organisations
Management of Animals

ANNEXURE E

UMZIMVUBU LOCAL MUNICIPALITY

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 6]

A. PARTICULARS OF PUBLIC BODY

Postal Address:

The Information Head / Corporate Deputy Information Officer:

Private Bag X9020
Mount Frere, 5090

Telephone number: (039) 255 8500 / 8510
Fax number: (039) 255 0167
E-mail: Nota.tobela@umzimvubu.gov.za

B. PARTICULARS OF PERSON REQUESTING ACCESS TO RECORD(S)

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and / or fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Names and Surname:.....
Identity Number: .....
Postal Address: .....
.....
.....
Telephone Number: .....
Fax Number: .....
E-Mail Address: .....
Capacity in which request is made when made on behalf of another person.
.....
.....

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST ARE MADE:

This section must be completed ONLY if a request is made on behalf of another person.

Full Names and Surname:.....
Identity Number: .....

D. PARTICULARS OF RECORD(S)

(a) Provide full particulars of the record(s) to which access are requested, including the reference number if it is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

1. Description of record or relevant part of record:
.....
.....
.....
2. Reference number if available: .....
3. Any further particulars of record: .....

E. FEES

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The fee payable for access to a record depends on the form in which access is required And the reasonable time required searching for and preparing a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:
.....
.....

F. FORM OF ACCESS TO RECORD(S)

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, please state the disability and indicate in which form the record is required.

Disability	Form in which record is required

Please mark the appropriate box with an X
NOTES:
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

copy of record	inspection of record		inspection of record	

2. If a record consists of visual images- (Includes photographs, slides, video recordings, computer-generated images, sketches etc.):

View images		Copy of images		Transcription of images	

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack		Transcription of soundtrack	

4. If record is held on computer or in an electronic or machine-readable form

Printed copy of record		Printed copy of information derived from the record		Copy in computer readable form – memory stick	

5. If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

yes		no	

Postage is payable.

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.

In which language do you prefer the record?

.....

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....
.....

Signed at.....this.....day of.....20.....

.....
SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

FOR DEPARTMENT USE

Reference Number.....
Request Received by (State rank, name and surname of Information Officer / Deputy Information Officer)
.....
.....
.....
.....
Date: .....
Place:
.....
.....
Request Fee (if any) R.....
Deposit (if any) R.....
Access Fee R.....
.....

SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER
.....

ANNEXURE G

UMZIMVUBU LOCAL MUNICIPALITY

NOTICE OF INTERNAL APPEAL
(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 8]

STATE YOUR REFERENCE NUMBER: .....

A. PARTICULARS OF PUBLIC BODY

Postal Address:

The Information Officer or Corporate Deputy Information Officer
Private Bag X9020,
Mount Frere, 5090

Telephone number: (039) 255 8509
Fax number: (039) 255 0167
E-mail: Ngcongca.Thozama@umzimvubu.gov.za

B. PARTICULARS OF REQUESTER/THIRD PARTY WHO LODGES THE INTERNAL APPEAL

a) The particulars of the person who lodges the internal appeal must be given below.
b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at "C" below.

Full Names and Surname: .....

Identity Number: .....
Postal Address:
.....
.....
Telephone Number:.....
Fax Number:.....
E-Mail Address:.....
Capacity in which an internal appeal on behalf of another person is lodged:
.....

C. PARTICULARS OF REQUESTER

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal

Full Names and Surname: .....

Identity Number:.....

D. THE DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box

	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 request must be dealt with in terms of section 26(1) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
	Decision to grant request for access.

E. GROUNDS FOR APPEAL

If the provided space is inadequate, please continue on a separate folio and attach it to this **form.** You must sign all the additional folios.

1. State the grounds upon which the internal appeal is based.

.....
.....
.....
.....
.....
.....

.....
.....

2. State any other information that may be relevant in considering the appeal.

.....
.....
.....
.....
.....

F. NOTICE OF DECISION ON APPEAL

You will be notified in writing of the decision on your internal appeal. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request

1. State the manner:

.....
.....

2. Particulars of manner:

.....
.....
.....

Signed at .....this....day of.....20.....

.....
SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on:.....(date)

by .....
.....
(State rank, name and surname of Information Officer/ Deputy Information Officer)

Appeal accompanied by the reasons for the Information Officer's/ Deputy Information Officer's decision and, where applicable, the particulars of any third party to whom or which the records relate, submitted by the Information Officer/ Deputy Information Officer
on .....(date) to the relevant authority.

OUTCOME OF APPEAL
DECISION OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION
.....
.....

DATE ..... RELEVANT AUTHORITY.....

RECEIVED BY THE INFORMATION OFFICER / DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date):
.....

APPROVAL OF THE POLICY

The Municipal Council has approved this policy and amendments thereof.

AUTHENTICATION

The amendments of the policy and or the new policy was adopted by the Council on the 29-01-2021

As per Council Resolution number ULMC: 359/2020/2021

Signed off

Mr. G.M.T. Nota

Municipal Manager

Cllr. N.F Ngonyolo

Speaker of the Council