



# GEORGE MUNICIPALITY

## AMENDED PROMOTION OF ACCESS TO INFORMATION MANUAL AND PROTECTION OF PERSONAL INFORMATION MANUAL

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## GEORGE MUNICIPALITY

### PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2002 (PAIA) AND PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 (POPIA) MANUAL

#### **1.1 Introduction**

This manual has been compiled for the George Municipality and is a requirement in terms of section 14 of PAIA and regulation 4(c) of the Regulations Relating to the Protection of Personal Information. This Manual aims to give effect to the public's right of access to information held by a public body and the protection of personal information processed by a public body.

One of the objects of PAIA is to promote transparency, accountability and effective governance. This objective forms part of the George Municipality strategy to achieve developmental and participatory local government in the Western Cape. The George Municipality also strives to be accessible by *inter alia* providing information.

#### **1.2 The purpose of the manual is:**

- Foster a culture of transparency and accountability giving effect to every person's right of Access to Information.
- Actively promote a society in which the Citizens of George have effective access to information to enable them to fully exercise and protect all of their rights.

#### **1.3 Municipal Council**

A municipal council is defined in section 157(1) of the Constitution, 1996 (Act 108 of 1996) hereafter called "the Constitution").

George Municipality has an Executive Mayoral System as defined by the Municipal Structures Act No 117 of 1998.

##### Objectives of a Municipal Council

A municipality must strive, within its financial and administrative capacity, to achieve the objects set in section 152 of the Constitution as follows:

- Provide democratic and accountable government;
- Provision of services to communities in a sustainable manner;
- Promote social and economic development;
- Promote a safe and healthy environment;
- Encourage community participation in matters of local government.

##### Who qualifies to be a member of the municipal council?

Every citizen who is qualified to vote for a particular municipal council has the right to stand as a candidate for election as a municipal councillor. On an annual basis, a municipal council must review:

- The needs of the community
- Its priorities to meet those needs

- Its processes for involving the community
- Its organisational and delivery mechanisms for meeting the needs of the community and
- Its overall performance in achieving the objectives as set out in section 152 of the Constitution.

#### Term of office for Municipal Councillors

The term of office for the Municipal Councillors is five years as determined by the Electoral Act.

#### **Municipal Manager** (Municipal Structures Act, No. 117 of 1998)

##### Appointment of Municipal Manager

A Municipal Manager is appointed in terms of section 82 of the Municipal Structures Act.

A municipal council must appoint a municipal manager who is the head of administration and also the accounting officer for the municipality.

##### Who appoints the municipal manager?

The municipal council is responsible for appointing the municipal manager and to provide him/her with the necessary tools to perform his/her duties. The municipal manager is therefore accountable to the municipal council.

##### Objectives of the Municipal Manager

The primary objective of the municipal manager is to ensure that the municipality operates in terms of the policy directions of the municipal council.

##### Functions of the Municipal Manager (Municipal Systems Act)

A head of the administration and the accounting officer, the municipal manager is responsible, inter alia, for the formation and development of an economical, effective, efficient and accountable administration equipped to implement the Integrated Development Plan (IDP).

The Municipal Manager is also responsible for managing the communication between political structures and office bearers and administration.

#### George Municipality: Description of its Structure and Functions

George Municipality was established on 5 December 2000 in terms of Provincial Notice 501 dated 22 September 2000 and comprises the area as set out in the attached map (Annexure "A").

#### **A. Functions**

The Municipality at present fulfils the following functions:

##### 1.3.1 Amenities and Infrastructure

- Electricity
- Storm water management
- Street lighting
- Road maintenance
- Water and sewerage disposal
- Municipal Building maintenance
- Parks and gardens
- Libraries
- Municipal Workshop
- Municipal Siding maintenance

### 1.3.2 Health, Environmental and Community Services

- Municipal Health Services
- Squatting
- Environmental and conservation
- Business licensing
- Refuse removal
- Town cleaning
- Cemeteries
- Sport and Recreation
- Arts and Culture

### 1.3.3 Economic Development

- Promote local tourism
- Economic development
- Trading legislation
- Street trading
- Industrial development
- Create and investor – friendly climate
- Eradication of poverty

### 1.3.4 Finance

- Keeping of financial records
- Municipal rating and taxation
- Municipal insurance
- Municipal banking and investments
- Taking up of loans
- Stock control asset register

### 1.3.5 Housing Development

- Housing Development
- Housing administration
- Spatial Development
- Urban Revival

### 1.3.6 Human Resources

- All legislative, Civil law and administrative functions pertaining to staff
- Staff training
- Implementation of Skills Act
- Councillor training
- Local Labour Forum
- A Performance management system is in the process of being developed.

#### 1.3.7 Planning and Building Control

- Integrated Development Planning (including strategic planning)
- Town planning services
- Building Control Services
- Plans and signage control
- Property valuation

#### 1.3.8 Safety and Security

- Law Enforcement (Traffic)
- Fire Services / Rescue Services
- Occupational Safety Services
- Disaster Management
- Risk Management

#### 1.3.9 Internal Audit

- Internal auditing of entire municipality

### 1.4 **General information regarding a Municipality**

#### **A. Budgeting**

##### What is a Municipal Budget?

The annual budget of a Municipality contains estimates of all revenue expected to be received during the financial year ending 30 June to which the budget relates, estimates of current expenditure for that financial year, estimates of interest and debt servicing charges, estimates of capital expenditure for that financial year and the projected financial implications of that expenditure for future financial years.

##### Approval of the budget

A Municipal Council must for each annual financial year, compile / approve a budget in operating income and expenditure and capital expenditure and thereby provide appropriate money from its Revenue Fund for the requirements of the municipality (Municipal Finance Management Bill, 2000, chapter 4, paragraph 13: Local Government Transition Act).

##### The purpose of preparing a budget

The objective of the budgeting process is to set maximum expenditure limits for each component of the Municipality. A Municipality may only incur expenditure in accordance

with its approved budget (Local Government Transition Act No. 209 of 1993, paragraph 10G (4) (a)).

The Municipality's annual budget also serves as an important tool for planning and control.

The Municipality annual budget also serves as an important tool for planning and control.

The Municipality must structure and manage its administration and budgeting and planning process to give priority to the basic needs of the community, and to promote the social and economic development of the community (Constitution of the republic of South Africa No, 108 of 1996/152, Section 153).

#### **1.4.1 Integrated Development Planning:**

##### What is Integrated Development Planning?

Integrated Development Planning is a process through which Municipalities prepare a strategic development plan, for a five-year period. The Integrated Development Plan (IDP) is a product of the integrated development planning process.

The Integrated Development Plan is the principle strategic planning instrument, which guides and informs all planning, budgeting, management and decision-making in a Municipality (Integrated Development Plan Guide Pack Guide 0 Overview, Chapter 2, paragraph 2.1 (i)).

An Integrated Development Plan adopted by a Municipal Council may be amended and remains in force until and Integrated Development Plan is adopted by the next elected Council (Local Government Municipal Systems Act, 2000, (Act 32 of 2000) Section 25(2). Therefore, the Integrated Development Plan is linked to the term of office of Councillors.

#### **1.4.2 Procurement**

##### What is Procurement?

Procurement refers to the process of acquiring goods and services by the Municipality, in accordance with a set of policies adopted by the Council. When procuring /acquiring goods and services, municipalities must ensure that it is in accordance with a system which is fair, equitable, transparent, competitive and cost effective and giving preference to the historically disadvantaged groups / individuals.

##### What are the objectives of the Supply Chain Management Policy?

- To create a procurement system which is uniform within the municipality and simple to administer.
- To create conditions which are conducive to the empowerment of small medium micro-enterprises (SMME's);
- To promote the achievement of equity by measures designed to protect or advance persons disadvantaged by past unfair discrimination.
- To eliminate fraud or any other irregularities in the procurement of goods and services;
- To guide the Municipality in properly administrating processes relating to tenders/contracts/retentions, purchase requisitions and orders, creditor payments and stores.

### **1.4.3 Tariffs**

#### What are Tariffs?

Tariffs represent the charges levied by Council on consumers for the utilisation of services (e.g. water, electricity, refuse services, etc.) provided by the Municipality and rates on properties. Tariffs may be calculated in various different ways, depending upon the nature of the service being provided.

Tariffs may be set in such a manner so as to recover the full cost of the service being provided or recover a portion of those costs.

#### Legal Requirements

In terms of section 74 of the Municipal Systems Act, 2000, the Council must adopt and implement a Tariff Policy that complies with the provisions of any applicable legislation on the levying of fees for municipal services provided by or on its behalf.

#### Objectives of Tariff Policy

The objective of the tariff policy is to ensure the following:

- The tariffs of the Municipality conform to acceptable policy principles;
- Municipal services are financially sustainable;
- There is certainty in the Council of how the tariffs will be determined;
- Tariffs of the Municipality comply with the applicable legislation; and
- Tariffs should take into consideration relief to the indigent

### **1.4.4 Indigent Support**

The objective of the Indigent Support Policy is to ensure the following:

- The provision of basic services to the community in a sustainable manner;
- This objective will, however, only be possible within the financial and administrative capacity of the Council;
- The Council recognises the fact that the community has a right of access to basic services;
- To provide procedures and guidelines for the subsidisation of basic service charges to its indigent households, using the Council's budgetary provisions/Equitable Share of National Revenue received from National Government, according to prescribed policy guidelines.

### **1.4.5 Credit Control and Debt Collection**

#### What is Credit Control and Debt Collection?

Credit control and debt collection policy refers to the administrative mechanisms, processes and procedures established by the Municipality to collect the revenues due and payable to it for services rendered and for rates and levies it has raised.

Services rendered include inter alia water, electricity, refuse and sewerage removal, municipal roads, etc.



## Legal Requirements

Municipalities must adopt, maintain and implement a credit control and debt collection policy, which is consistent with rates and complies with the provisions of the Municipal Systems Act No. 32, 2000.

In terms of section 98 of the Municipal Systems Act, 2000, the Municipality must adopt and implement affective credit control and debt collection methods, in order to deal with non-payment of services, while ensuring methods, in order to deal with non-payment of services, while ensuring that the genuine indigents receive the target relief. The Credit control and debt collection policy may differentiate between different categories of users, debtors, service providers, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.

## Objectives of Credit Control and Debt Collection Policy

The objectives of credit control and debt collection are to ensure the following:

- All monies due to the Council are collected;
- A sound customer management system that aims to create a positive and reciprocal relationship between persons liable for these payments and the Municipality itself is established.
- Establish mechanisms for users of services and ratepayers to provide feedback to the Municipality or other service provider regarding the quality of the services and the performance of the service provider;
- Users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised;
- Persons liable for payments, receive regular and accurate accounts and indicate the basis for calculating the amounts due;
- Credit control and debt collection procedure of the Municipality comply with the applicable legislation; and
- Credit control and debt collection procedures take into consideration relief to the indigent.

### **1.4.6 CONTACT DETAILS**

The contact details of the information Officer and Deputy Information Officer are listed below.

**Deputy Information Officer:** Director Corporate Services  
Mrs KS Moodley  
Tel: 044 801 9180  
E-mail: pfortuin@george.gov.za

**Deputy Information Officer:** Director Civil Engineering Services:  
Mr J Koegeleberg  
Tel: 044 801927  
E-mail: tbarnard@george.gov.za

**Deputy Information Officer:** Acting Director Community Services  
Mr S Mtila  
Tel: 044 8022904  
E-mail: imlubbe@george.gov.za

Deputy Information Officer: Director Electrotechnical Services  
Mr B Mandla  
Tel: 044 8039249  
E-mail: lbotha@george.gov.za

Deputy Information Officer: Director Financial Services  
Mr R du Plesis  
Tel: 044 801 9035  
E-mail: mameyer@george.gov.za

Deputy Information Officer: Director Planning and Development  
Mrs L Waring  
Tel: 044 8019385  
E-mail: mjordaan@george.gov.za

Deputy Information Officer: Deputy Director Legal Services  
Ms M Müller  
Tel: 044 8019082  
E-mail: njuries@george.gov.za

Deputy Information Officer: Mr T Craak (in respect to PAIA request and Records Management)  
Tel: 044 801 9388  
Cell: 082 4594522  
E-mail: tcraak@george.gov.za

#### **1.4.7 GUIDE ON HOW TO USE THE ACT (ACT 2/2000)**

The Human Rights Commission will within 18 months after commencement of section 10 of Act 2 of 2000 compile in each official language a guide containing information on how to use Act 2 of 2000. This guide will be made available to the public once available.

#### **1.4.8 REQUEST FOR ACCESS TO A RECORD OF THE GEORGE COUNCIL (SECTION 14(1)(D) OF ACT 2 OF 2000.**

George Municipality keeps a record of all correspondence, agenda resolutions, building plans, town planning maps and other additional information relating to all services listed above under part 2. Records are kept under the following categories:

- **Legislation**

- Policy, rulings, instructions and circulars
- Routine enquiries
- Drafting and amendment
- Acts of Parliament and Regulations
- Provincial Acts and Regulations
- Council Regulations and By-Laws

- **Organisations and Emblems**

- Organisations
- Branch organizations

Delegations of Authority  
Emblems of the councilors

- **Record Control**

Filing System  
Disposal of Archives

- **Elections**

Policy, rulings, Instructions and circulars  
Routine enquiries  
Declaration of gifts and pecuniary interests  
General and By-Election (Independent Electoral Commission)

- **Own Council and Committee Meetings**

Main files  
Council meetings  
Main Committee meetings  
Agendas and minutes

- **Staff and Councilors**

Staff strength and grading  
Main files  
Enquiries and furnishing of information  
Sections  
Determination of Councilors of Service  
Full time staff  
Temporary staff  
Councilors  
Vacancies and appointments  
Sections  
Training and qualifications  
Financial  
Payment of Allowances  
Deductions  
Loans  
Pension Funds  
Insurance  
Medical funds  
Retirement & Resignations  
Staff Control  
Outgoing  
Staff evaluations and performance management  
Performance reports of Departments and Sections  
Staff returns and statistics  
Trade unions and Labour Relations

- **Finance**

Estimations

Valuations  
Valuations Appeals Court  
Appeals  
Taxes  
Land and Property Rates  
Internal loans  
Tariffs  
Determination of water/electricity rates  
Subsidies received  
Individual subsidies  
Determination rates  
Loans  
Borrowing Powers  
External loans  
Long term loans  
New Authorities  
Deposits  
Fund and levies  
Investments by the council  
Claims  
Settlement of accounts  
Payment of allowances  
Collection of money  
Insurances  
Cases  
Accounting responsibility  
Reports  
Enquiries  
Financial assistance  
Funds  
Loans to public  
Losses  
Banking accounts  
Returns

- **Domestic supplies, services, accommodation and grounds**

Domestic Supplies  
Purchasing and maintenance  
Furniture and equipment  
Domestic services  
Transport  
Communications  
Domestic accommodation and grounds  
Accommodation  
Grounds  
Acquisition  
Alienation  
Maintenance

- **Tenders and contracts**

Main files

Specific tenders and contracts

- **Reports and returns**

Policy, rulings, instructions and circulars

Reports

Reports of Sections and Heads

Returns

Monthly returns

- **Publicity and information**

Own transport and information

Enquiries

Publicity: Private sector and institutes

Advertising media

Contract information

Marketing of the Forum

Tourism

- **Festival and Social matters**

Main files

Festivals

Social matters

Own receptions and functions

Other receptions and functions

Awards

- **Composition of and meetings of boards, Councils, institutions, societies, Committees and other boards**

Policy, rulings, instructions and circulars

Routine enquiries

Arrangements

Agendas, minutes and reports

Boards and Councils

Institutes

Societies and associations

Committees

- **Legal matters**

Policy, rulings, instructions and circulars

Claims: By the council

Claims: Against the Council

Prosecutions

Contraventions: Cases

Municipal Court

- **Licenses**

Policy, rulings, instructions and circulars

Applications and issues  
Vehicle licenses  
Trade licenses

- **Planning Development and Control**

Main files  
Municipal boundaries  
Reservation of sites  
Town Planning Schemes  
Establishment of Township  
Control of Township  
Strategic Development and Planning  
Development Planning  
Regional Development Plans  
IDP Planning Strategies and interventions  
Integrated Development Plan  
IDP Planning Strategies and interventions  
Integrated Development Plan  
Local Economic Development Plans  
Specific LED interventions and strategies  
Environmental management plans  
Environmental Impact Assessment

- **Essential Services**

Water supply  
Distribution of water  
Electricity  
Meters  
Distribution of electricity  
Roads and streets  
Planning and comments  
Construction and maintenance  
Surfaces  
Stormwater drainage  
Bridges and subways  
Sewerage  
Establishment and maintenance of sewerage works/farms  
Erection and maintenance of sewerage pumping stations  
Installation and maintenance of natural  
Permits in terms of the Water Act  
Removal of vacuum/conservancy tank contents  
Rubbish removal services and sanitation  
Refuse removal services  
Maintenance of dumping sites  
Solid waste management  
Sanitation services  
Cemetery  
Development and maintenance of facility

- **Community services**

- Health
- Diseases
- Inspections
- Education
- Consultation in respect of establishment of facilities\
- Traffic control
- Applications for permission
- Allocation of parking places and loading zones
- Parking places
- Library services
- Buildings
- Acquisition of books and magazines
- Housing
- Economic and sub-economic letting/selling schemes
- Civic centre, parks, gardens and open spaces
- Provision and maintenance
- Sport and recreation
- Sport complex
- Provision of additional facilities
- Provision and maintenance of Fire Brigade Services
- Pounds
- Welfare
- Welfare organizations
- Street collections
- Religion and churches
- Museums and memorials
- Disaster management Association
- Service groups
- Rendering of Services during emergencies

#### **1.4.9 METHOD TO GAIN ACCESS TO INFORMATION**

In the event of a member of the public requiring information from George Municipality in terms of Act 18 of the provisions of the promotion of Access to Information Act, 2 of 2000, the following procedure should be followed:

1.4.9.1 The request must be made in writing on the prescribed form addressed to:  
The Municipal Manager  
P O Box 19  
George  
6530

**E-mail: [post@george.gov.co.za](mailto:post@george.gov.co.za)**

1.4.9.2 The application should state clearly what information is required in order that the official delegated to provide the information can identify:

- The records requested
- The requester

- 1.4.9.3 The application form must be accompanied by the prescribed search fee – see fee schedule.
- 1.4.9.4 The requester will be given the required information, if available, within a reasonable time after receipt of the application form and prescribed fee.
- 1.4.9.5 If a request for access is made for information which George Municipality is not in possession of, or the information is more closely connected to another public body, the request will be transferred as soon as reasonably possible but in any event within 14 days after the request is received to the other body /institution / organization who could provide the information.
- 1.4.9.6 If information is no longer available and all reasonable steps have been taken to find a record requested, the information officer will, provide an affidavit of affirmation inform the requester accordingly giving full reasons.
- 1.4.9.7 Requests made by deferred until information becomes available. The requester will be notified accordingly and requested to make representation written 30 days why the information is required prior to it becoming public.

#### **1.4.10 DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM GEORGE MUNICIPALITY AND HOW TO GAIN ACCESS.**

A comprehensive contact list of all directorates, officials and office hours are attached as annexure “G”.

Contact may be made at any of the above offices but to ensure immediate attention it is recommended that the Deputy Information Officer be contacted directly. See paragraph 1.4.6 above for names and contact details.

#### **1.4.11 REFUSAL OF ACCESS TO RECORDS**

The information Officer or Deputy Information Officers may refuse access of records under certain circumstances as provided for in chapter 4 of the Promotion of Access to Information Act, 2 of 2000.

#### **1.4.12 REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY GEORGE MUNICIPALITY**

- 1.4.12.1 A requester may lodge an internal appeal with the George Municipality against the Information Officer if:
- A request for access is refused.
  - The fees charged are unacceptable
  - If the period within which information had to be disclosed is extended by the Information Officer
  - Information is given in another form that has been requested
- 1.4.12.2 A third party may lodge an internal appeal with the George Municipality against a decision by the Information Officer to disclose information.

#### **1.4.13 MANNER OF AN INTERNAL APPEAL AND APPEAL FEES**

- 1.4.13.1 An internal appeal must be lodged on the prescribed form.



- 1.4.13.2 The appeal must be lodged within 60 days.
- 1.4.13.3 If a notice to a third party is required, within 30 days after notice is given to the appellant of the decision to appeal.
- 1.4.13.4 It must be posted, faxed, or sent by electronic mail to the Information Officer.
- 1.4.13.5 Identify the subject matter and state reasons for appeal.
- 1.4.13.6 State manner in terms of how the reply is required, in addition to a written reply.
- 1.4.13.7 Prescribed fee to accompany the appeal form.
- 1.4.13.8 Later appeals, upon good cause shown, can be allowed.
- 1.4.13.9 The Information Officer must within 10 working days submit the appeal to the Municipal Council for consideration.

## **2. PROTECTION OF PERSONAL INFORMATION ACT- NO 4 OF 013**

### **2.1 Legislation**

- 2.1.1 The Promotion of Access to Information Amendment Act 31 of 2019 (PAIA Amendment Act) which amended the PAIA, came into operation on 1 April 2021. In terms of the PAIA Amendment Act, the information on the private funding of political parties and independent candidates must be recorded, preserved and made available upon request by the public and the head of the political party is the Information Officer, who must be registered with the Regulator in terms of section 55(2) of POPIA.
- 2.1.2 As of 30 June 2021 the Information Regulator will be taking over the regulator mandate functions relating to the Promotion of Access to Information Act (PAIA) 2000. This follows a proclamation, by the President, of sections 110 and 114(4) of Protection of Personal Information Act (POPIA) 2013, which provide for amendment of PAIA and the effective transfer of certain functions currently performed by the South African Human Rights Commission (SAHRC) to the Information Regulator on 30 June 2021.
- 2.1.3 Some key objectives of PAIA are to promote transparency, accountability and effective governance of all public and private bodies, as well as to assist members of the public to effectively scrutinize and participate in decision making by public bodies. PAIA ensures that the state promotes a human rights culture and social justice. It also encourages openness and is there to establish mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive, and easy manner.

### **2.2 How does POPIA affect employers of the George Municipality:**

The Protection of Personal Information Act of 2013 (POPIA) aims to give effect to the right to privacy as provided for in the Constitution's Bill of Rights by limiting the extent to which personal information may be processed by others, including employers.

### **2.3 Definitions**

For purposes of this manual, unless the context indicates otherwise-

**‘Consent’** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

**‘Data subject’** means the person to whom personal information relates;

**‘Information Officer’** of, or in relation to, a-

- (a) Public body means an information officer or deputy information officer as contemplated in terms of section 10r17; or
- (b) Private body means the head of a private body as contemplated in section 1. Of the Promotion of Access to Information Act.

**‘Personal Information’** means information relating to an identifiable, living, natural person and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- (a) Information relating to race, gender, sex, pregnancy, marital status, national ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of person;
- (b) Information relating to the education or the medical, financial, criminal, or employment history of the person;
- (c) Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

**‘Processing’** means any operation of activity or any set of operations, whether or by automatic means, concerning personal information, including-

- (a) the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, ensure or destruction of information.

**‘Public record’** means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.

**‘Responsible party’** means a public or private body or any other person which, alone or in conjunction with other, determines the purpose of and means for processing personal information.

## **2.4 List of personal information kept**

The municipality collects personal information for various reasons in order to fulfil its mandates as government institution in terms of the Constitution of the Republic of South Africa. The residents expecting essential and other services from the municipality are obliged to share their personal information with the municipality as the withholding and/or refusal of

personal information may impact on the municipality's ability to render effective and sufficient services.

## **2.5 The Act imposes several new responsibilities on employers**

- Employers must appoint an Information Officer who needs to be registered with the Regulator.
- Personal Information may, subject to certain exceptions, only be collected by an employer directly from the employee.
- Employees must be informed why the information must be collected (purpose) and who the intended recipients of the information are.
- Personal Information may only be processed for an explicit, specific and lawful purpose (such as the conclusion of an employment contract).
- Personal information may not be kept for longer than necessary to achieve the purpose for which it was collected. This means, e.g., that personal information collected from an unsuccessful applicant should be destroyed after the recruitment process has been finalised and a successful candidate appointed.
- Personal Information must be distributed in a way that is compatible with the purpose for which it was collected.
- Personal Information may not be distributed to other third parties, e.g., for instance for marketing purposes.
- Employers must take reasonable steps to ensure that the information collected is accurate, up to date and complete.
- Employers must ensure that the personal information is protected against risks of loss, damage, destruction or unauthorised access.
- Employees must also be allowed to access their personal information and can demand that the information be corrected if it is found to be inaccurate.

## **2.6 When may personal information be processed?**

The Act provides for limited use of employee data in some cases, i.e.:

- If the employee consents;
- When processing is necessary for purposes of employment, e.g. details of banking accounts in order to be able to pay an employees' wage or salary; or for vetting relevant educational qualifications;
- If the employer has a legal obligation to perform processing, e.g., for tax purposes;
- To protect a legitimate interest of the employee's, e.g., collecting personal information required by a retirement fund to which the employee belongs or is required to belong; and
- If it is necessary to pursue the legitimate interests of the employer or a third party, e.g., doing a check on the criminal record of someone who requires security clearance; or providing information to an external party whom the employee has authorised to carry out deductions from her or his wage or salary.

## **2.7 Consequences of non-compliance**

The Act provides that employers can be fined between R1 million and R10 million, or imprisonment for one to ten years depending on the nature and seriousness of a transgression.

## **2.8 Employers should attend to the following:**

### 2.8.1 Develop a privacy policy that:

- a. mentions the circumstances under which personal information may be collected and what may it be used for;
- b. states what kinds of personal information may be collected; to which internal and external recipients or categories of recipients' personal information may be supplied;
- c. states whether the information may be distributed or stored outside of the country's borders; and
- d. includes a general description of the of information security measures (such as fire walls) that will be implemented and monitored to ensure that the information is not accessible by unauthorised people.

2.8.1.1 Appoint an Information Officer or assign someone to take on this responsibility. It goes without saying that this person needs to become familiar with the broad purposes of the Act and their responsibilities in terms of it.

2.8.1.2 Review or develop standard clauses on data protection in employment contracts and provide for employee consent to disclosure of information as authorised in terms of the Act.

2.8.1.3 Conduct an audit in respect of personal information currently being held, where such information is being held and for how long it has been held.

2.8.1.4 Raise awareness within the organisation of the implications of the Act and the importance of protecting privacy. – provide training.

2.8.1.5 Report data breaches to the Information Regulator and employees concerned.

2.8.1.6 Do not share any personal information unless it would be permissible to do so in terms of the Act.

## **A. GENERAL INFORMATION**

The Information Officer or any Deputy Information Officer may be contacted for further information not contained in this manual.

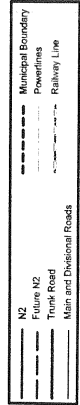
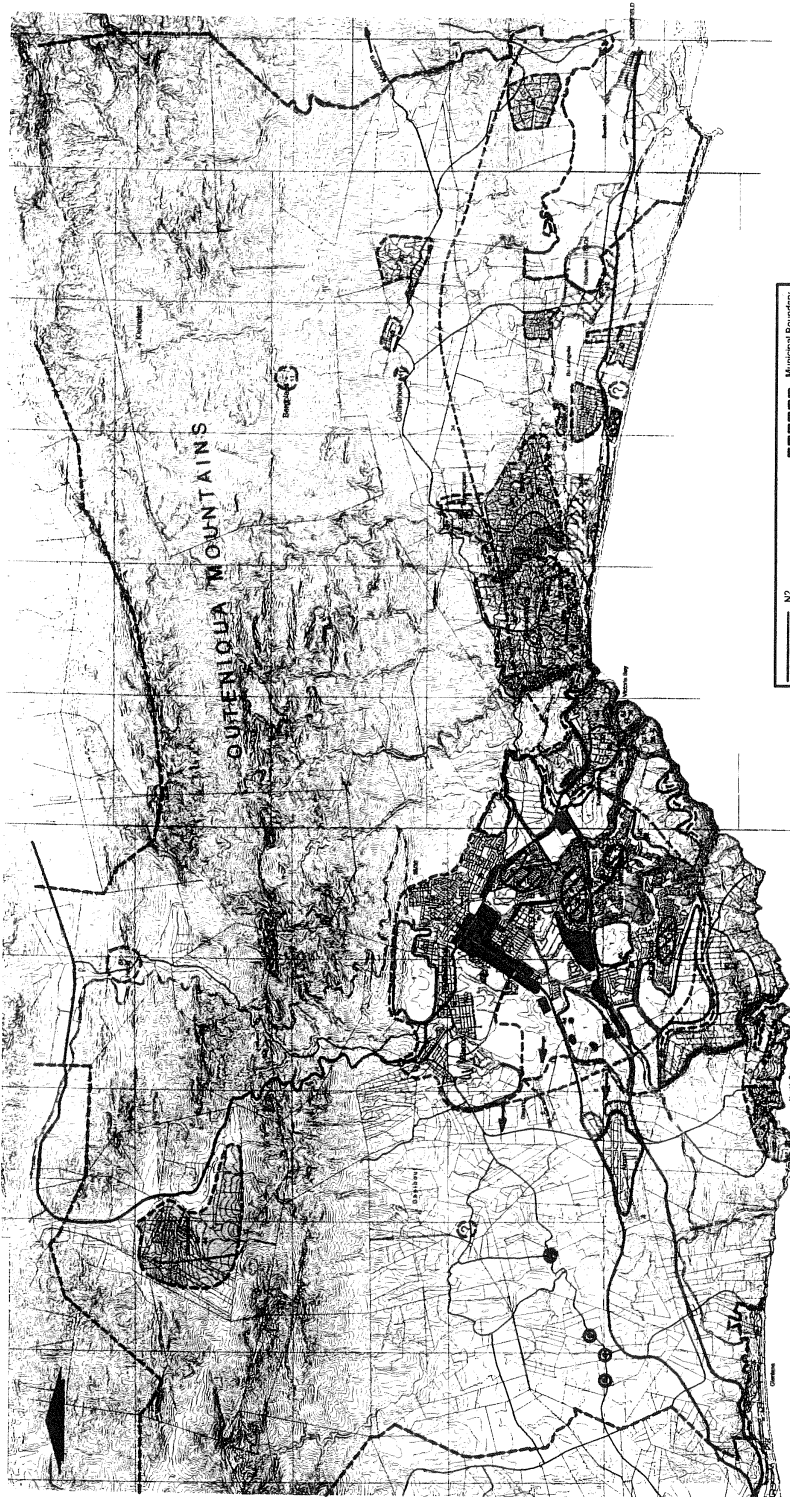
## **B. APPLICABLE FEES (as prescribed in Regulations 7278 dated 15/02/2002)**

1. Ordinary Council Agenda	R 1,50/page
2. Application for information	R50 plus SA Human Rights Commission Costs per application
3. General information (copies of)	R 1.50 per page (A4)
3. General information (copies of)	R 3,00 per page (A3)
4. Appeals per email	R30.00/copy
5. Memory Stick	Cost +15%
6. IDP Documents (excluding maps)	R20.00
7. Development Profile	R20.00
8. Agendas and minutes of meetings	R 1,50/page (A4)

### **PLEASE NOTE:**

**IDP Documents and Development Profile will, if requested by e-mail to [rlfleur@george.gov.za](mailto:rlfleur@george.gov.za) and will be e-mailed in return at no charge.**

ANNEXURE "A"



Plan

0km 5km

Prepared by Nel & De Kock Town and Regional Planners

**GEORGE IDP**  
SPATIAL DEVELOPMENT  
FRAMEWORK

	Residential Expansion		Business Expansion		Unresolved housing needs
	Industrial Expansion		Small Activity Zones		Multipurpose Even
	Special Rural Areas		Upgrading of Disadvantaged Areas		
	Urban Edge		Activity Axes		
	Semi-Urban Edge				



**NOTICE!**

**ANNEXURE 'D'**

**PROCEDURES TO GAIN ACCESS TO INFORMATION:**

**In the event of a member of the public requiring information from George Municipality in terms of Act 18 of the provisions of the Promotion of Access to Information Act, 2 of 2000, the following procedures should be followed:**

- The request must be made in writing on the prescribed form and be submitted to the office.
- The applicant should state clearly what information is required for the official delegated to provide the information identify:
  1. The records requested and
  2. The requester
- The application form must be accompanied by the prescribed search fee (registry official will direct).
- The requester will be given the required information, if available, within a reasonable time after receipt of the application form and prescribed fee.
- If a request for access is made for information which George Municipality is not in possession of, or the information is more closely connected to another public body, the requester will be transferred as soon as reasonably possible but in any event within 14 days after the request is received to the other body/ institution/ organization who could provide the information;
- Information is no longer available, and all reasonable steps have been taken to find a record requested, the information officer will provide an affidavit of affirmation, inform the requester, accordingly, giving full reasons.
- Requests made by deferred until information becomes available. The requester will be notified accordingly and requested to make written representation 30 days why the information is required prior to it becoming public.

**RULES FOR VIEWING INFORMATION:**

- No copies will be made.
- No cellphones will be used for photos to be taken of information.
- No unsupervised reading.
- No pens, pencils or cases and meeting schedules will be allowed in area when applicant reads through a file.
- No food or liquid close to records requested.

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T Craak  
Manager: Records & Telecommunications

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KS Moodley  
Director: Corporate Services

**FORM A**

**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]**

**FOR DEPARTMENTAL USE**

Reference number: \_\_\_\_\_

Request received by \_\_\_\_\_  
(state rank, name and surname of information officer/deputy information officer) on  
\_\_\_\_\_ (date) at \_\_\_\_\_ (place).

Request fee (if any) : R.....

Deposit (if any) : R.....

Access fee : R.....

\_\_\_\_\_  
**SIGNATURE OF INFORMATION OFFICER  
/ DEPUTY INFORMATION OFFICER**

**A. Particulars of public body**

The Information Officer / Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of person requesting access to the record**

- (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 is made**

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

Full names and surnames: \_\_\_\_\_

**D. Particulars of record**

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

1. Description of record or relevant part of the 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 is payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record;
- (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**

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, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____	<b>Form in which record is required:</b> _____ _____
-------------------------------------	--

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 in access will be granted in another forum.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

<b>1. If the record is written on printed form:</b>			
	Copy of record		Inspection of record
<b>2. If record consists of visual images –</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	view the images	copy of the images	Transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			

	listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or print documents)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	printed copy of record *		Printed copy of information derived from the record *
			Copy in computer readable form* (stiffy or compact disc)
If you request a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you <b>Postage is payable</b>		YES	NO
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, would you prefer the record? _____			

**G. Notice of decision regarding requests for access**

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

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**

**GEORGE MUNICIPALITY  
FORM B: 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**

The Information Officer/Deputy Information Officer:.....

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) The particulars of the person who lodge 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:.....

Fax number:.....

Telephone number:.....E-mail address:.....

Capacity in which an internal appeal on behalf of another person is lodged:

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) 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 the request must be dealt with in terms of section 26(l) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester.
	Decision to grant request for access.

**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.

State the grounds on which the internal appeal is based:.....

.....  
.....

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

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

**F. Notice of decision on appeal**

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

State the manner:.....

.....

Particulars of manner:.....

.....

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

**SIGNATURE OF APPELLANT**

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received on .....(date)  
by  
(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/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):