

# **MOPANI DISTRICT MUNICIPALITY**



## **MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION FOR THE MOPANI DISTRICT MUNICIPALITY**

**In Terms of Section 14 of the Promotion of Access to  
Information Act No. 2 of 2000**

**Version 1**

## TABLE OF CONTENTS

### CONTENT

- Section 1 Introduction
- Section 2 Definitions
- Section 3 Purpose of PAIA Manual
- Section 4 Establishment of Mopani District Municipality
- Section 5 Structure of Mopani District Municipality
- Section 6 Key contact details for Access to Information of Mopani District Municipality
- Section 7 Description of all remedies available in respect of an act or a failure to act by Mopani District Municipality
- Section 8 Guide on how to use PAIA and how to obtain access to the guide
- Section 9 Description of the subjects on which the body holds records and categories of records held by Mopani District Municipality
- section 10 categories of records of MDM which are available without a person having to request access
- Section 11 Services available to members of the public from the Mopani District Municipality and how to gain access to those services
- section 12 Public involvement in the formulation of policy or the exercise of powers or performance of duties by Mopani District Municipality

Section 13 Processing of personal information

Section 14 available of the manual

Section 15 updating of the manual

## 1. INTRODUCTION

The Promotion of Access to Information Act, 2000 prescribes that the public body is obliged to compile a manual containing; description of its structure and functions, addresses including contact details of the public body, a description of the services available to members of the public from the body and how to gain access to those services. The Manual further stipulates various categories of information held by a public body and the procedure to be followed when requesting access to information held by a public body.

This is to foster the culture of transparency and accountability of public and private bodies and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights. It further gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights

## 2. DEFINITIONS

FOR THE PURPOSE OF THIS MANUAL, THE FOLLOWING WORDS AND ABBREVIATIONS WILL BEAR THE FOLLOWING MEANING:

<b>ABBREVIATION</b>	<b>MEANING</b>
<b>'MDM'</b>	<b>Means the Mopani District Municipality</b>
<b>'Deputy Information Officer'</b>	<b>Means the Senior Manager of a relevant MDM department and the Deputy Manager Administration</b>
<b>"EM"</b>	<b>Means the Executive Mayor of the Mopani District Municipality</b>
<b>'Information Officer'</b>	<b>Means Municipal Manager appointed in terms of 82 of the Local Government: Municipal Structures Act, 1998</b>
<b>'MM'</b>	<b>Means the Municipal Manager of the Mopani District Municipality</b>
<b>'Records'</b>	<b>Means records as defined in section 1 of the Act</b>
<b>'SAHRC'</b>	<b>Means the South African Human Rights Commission response</b>
<b>'The Act'</b>	<b>Promotion of Access to Information Act, no. 2 of 2000, together with regulations published in terms thereof;</b>
<b>'The manual'</b>	<b>Means this manual together with all annexures thereto, available at the offices of MDM</b>

### **3. PURPOSE OF PAIA MANUAL**

This PAIA Manual is useful for the public to-

- 3.1. check the nature of the records which may already be available at (name of the body), without the need for submitting a formal PAIA request.
- 3.2. understand how to make a request for access to a record of the (name of the body).
- 3.3. access all the relevant contact details of the persons who will assist the public with the records they intend to access.
- 3.4. know all the remedies available from the (name of the body) regarding request for access to the records, before approaching the Regulator or the Courts.
- 3.5. the description of the services available to members of the public from the (name of the body), and how to gain access to those services.
- 3.6. a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 3.7. if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- 3.8. know if the (name of the body) has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.9. know whether the (name of the body) has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### **4. ESTABLISHMENT OF THE MOPANI DISTRICT MUNICIPALITY**

#### **4.1 MDM Vision**

“Mopani District, the food basket of Southern Africa and the tourism destination of choice”

#### 4.2 The mission of MDM:

- “To provide integrated sustainable equitable services through democratic responsible and countable governance.
- Promoting the sustainable use of resources for economic growth to benefit the community.

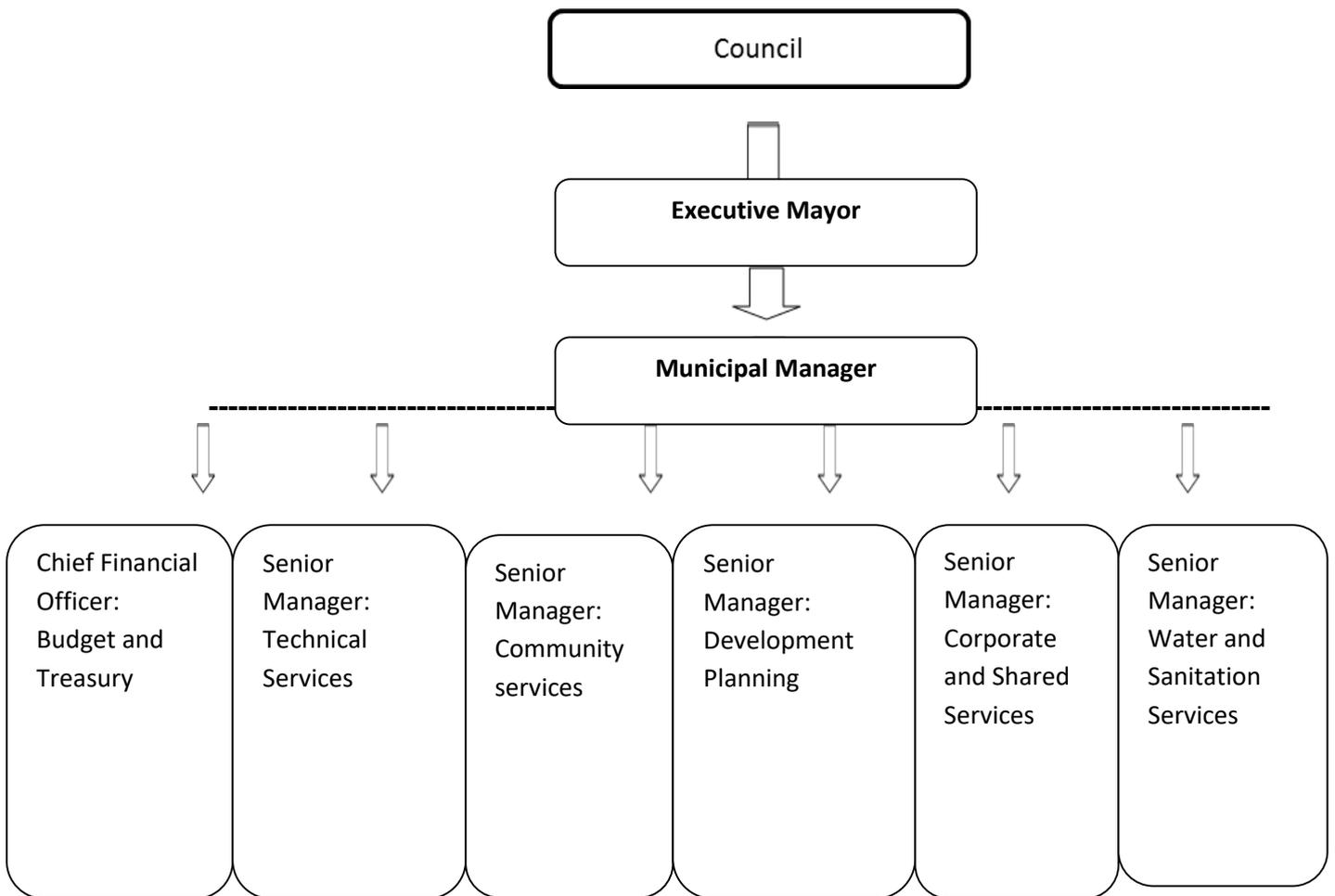
Local Government Municipal Structure Act, (Act 117 of 1998) and regulations provide for the establishment of municipalities accordance with the requirements relating to the categories and types of municipalities, the division of functions and powers between municipalities and appropriate electoral systems; and to regulate internal systems, structures, and office-bearers.

#### **4.3 Powers and Functions of District**

A municipality has all the powers and functions assigned to it in terms of sections 156 and 229 of the Constitution and must exercise them subject to Chapter 5 of the Municipal Structures Act. The Municipal Structures Act of 1998 made provision for the division of powers and functions between district and local municipalities. It assigned district-wide functions to district municipalities and most day-to-day service delivery functions to local municipalities.

## 5. STRUCTURE OF MOPANI DISTRICT MUNICIPALITY AND FUNCTIONS

### 5.1 STRUCTURE



### 5.2. FUNCTIONS OF THE MOPANI DISTRICT MUNICIPALITY (MDM)

The municipality consists of six departments namely Infrastructure Services, Community Services, Corporate Services, Financial Management Services, Development Planning and Environmental Management Services and Strategic Support Services.

#### 5.2.1 Technical Services

The Department is responsible for the following functions:

- 5.2.1.1 Water planning and design
- 5.2.1.2 Water and sanitation implementation
- 5.2.1.3 Water and sanitation operations
- 5.2.1.4 Water and sanitation maintenance

5.2.1.5 Water quality management

## **5.2.2 Community Services**

The Department is responsible for the following functions:

5.2.2.1 Provision of municipal health services (environmental health services)

5.2.2.2 Provision of disaster management services

5.2.2.3 Provision of emergency management services (fire and rescue)

## **5.2.3 Corporate Shared Services**

The Department is responsible for the following functions:

5.2.3.1 Legal services

4.2.3.2 Human Capital Admin and Systems

4.2.3.3 Information and communication technology support services

5.2.3.4 Organisational Development

5.2.3.5 Shared Administration support and facilities management

5.2.3.6 Labour Relations

## **5.2.4 Development Planning and Environmental Management Services**

The Department is responsible for the following functions:

5.2.4.1 Integrated development plan

5.2.4.2 Land use and spatial development

5.2.4.3 Economic development

5.2.4.4 Environmental management

5.2.4.5 Transport and roads

## **5.2.5 Strategic Support Services**

The Department is responsible for the following functions:

5.2.5.1 Council Support (Support to the Speaker, Whippery and Council in general) – including public participation support

5.2.5.2 Organisational Strategy and Planning

- 5.2.5.3 Intergovernmental and External Relations Support
- 5.2.5.4 Communications support – including protocol support, speech writing support, document editing
- 5.2.5.5 Policy development support
- 5.2.5.6 Research Support (excluding committee research support)
- 5.2.5.7 Coordination of the outsourced PMU
- 5.2.5.8 Organisational Performance Management/ Monitoring, Evaluation & Reporting  
Institutional Development Transforming the service culture of the municipality
- 5.2.5.9 Managing the Office of the Executive Mayor as well as overseeing Special Focus Programmes

## **5.2.6 Budget and Treasury Services**

The Department is responsible for the following functions:

- 5.2.6.1 Financial planning
- 5.2.6.2 Financial reporting
- 5.2.6.3 Supply chain management
- 5.2.6.4 Asset management and disposal
- 5.2.6.5 Expenditure management
- 5.2.6.6 Payment processing
- 5.2.6.7 Revenue management

## **5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE MOPANI DISTRICT MUNICIPALITY**

### **6.1 Information Officer**

The Municipal Manager is the Information Officer in terms of the Promotion of Access to Information Act.

Name : Mr Tshepo Jack Mogano  
Telephone : 015 811 6300  
Email : MoganoTJ@mopani.gov.za  
Postal address : Private Bag X9687

GIYANI

0826

Physical Address : Government Building  
Main Road  
GIYANI  
0826

## 6.2 Deputy Information Officers

The Deputy Information Officers have been delegated in terms of section 17 (1) of the Act for MDM and the contact details are as follows:

### Senior Manager Corporate and Shared Services

Name: : Ms Ngobeni SN  
Telephone : 015 811 6300  
Email: : Ngobenisn@mopani.gov.za  
Postal address : Private Bag X9687  
GIYANI  
0826

Physical Address : Government Building  
Main Road  
GIYANI  
0826

### Deputy Manager Administration

Name: : Mr Mokhari T  
Telephone : 015 811 6300  
Email: : MokhariT@mopani.gov.za  
Postal address : Private Bag X9687  
GIYANI  
0826

Physical Address : Government Building  
Main Road  
GIYANI  
0826

### **6.3 Access to information general contacts**

Email: N/A

Website: [www.Mopani.gov.za](http://www.Mopani.gov.za)

## **6. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY MOPANI DISTRICT MUNICIPALITY**

The following procedures exist for persons to report or remedy alleged irregular, improper or unlawful acts or omissions by the MDM or any of its employees:

### **6.2. Procedures for reporting or remedying:**

- 6.2.1. Remedies in respect of acts or failures to act in terms of the Promotion of Access to Information Act: The internal appeal authority for purposes of this Act is the Executive Mayor (sections 74 – 77). After exhausting the internal appeal remedy a review application may be lodged in court (sections 78 – 82).
- 6.2.2. A person may use labour remedies regarding official acts or omissions of a labour nature, namely disputes of rights (Labour Relations Act, 1995); A person may lodge a complaint with a labour inspector concerning any alleged contravention of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997 - section 78(1)(a)), or the Employment Equity Act, 1998 (Act No. 55 of 1998 - section 34(e)).
- 6.2.3. IF the requester of third party is not happy about outcome by MDM the Information Regulator or any regulatory body may be approach
- 6.2.4. A person may lodge a complaint with the Public Protector concerning a suspected unlawful or improper official act or omission (the Constitution and the Public Protector Act, 1994 (Act No. 23 of 1994)).A person may lodge a complaint with the South African Human Rights Commission concerning an official act or omission that is suspected to constitute a violation of or threat

to any fundamental right (Human Rights Commission Act, 1994 (Act No. 54 of 1994)) In order to be protected from reprisals because of a disclosure regarding unlawful or irregular conduct by an employer or a fellow employee, the person in question may follow the disclosure procedures in the Protected Disclosures Act, 2000 (Act No. 26 of 2000). The use of other legal remedies such as the institution of proceedings for the judicial review of an administrative action in terms of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

6.2.5. If the MDM fail to comply with the provision of PAIA, the requestor or any aggrieved person may, in accordance with section 78 of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA) approach the court with jurisdiction for appropriate relief.

6.2.6. If the requester or third party is aggrieved by the decision of the Information Officer, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of the Act.

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

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

8.2. The Guide is available in each of the official languages in Limpopo Province.

8.3. The aforesaid Guide contains the description of- MDM

8.3.1. the objects of PAIA and or POPIA.

8.3.2. The postal and street address, phone and electronic mail address of-

- the Information Officer of MDM, and
- All Deputy Information Officers designated and or delegated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>.

8.3.3. the manner and form of a request for access to a MDM record

- 8.3.4. the assistance available from the Information Officer of MDM in terms of PAIA and POPIA;
- 8.3.5. All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- an internal appeal.
  - a complaint to the Regulator; and
  - An application with a court against a decision by the information officer of MDM a decision on internal appeal
- 8.3.6. The provisions of sections 145 and 516 requiring MDM to compile a manual, and how to obtain access to a manual;
- 8.3.7. The provisions of sections 157 and 528 providing for the voluntary disclosure of categories of records by a MDM.
- 8.3.8. The notices issued in terms of sections 229 and 5410 regarding fees to be paid in relation to requests for access.
- 8.3.9. Members of the public can inspect or make copies of the Guide from the offices of MDM during normal working hours. The Guide can also be obtained-
- upon request to the Information Officer
  - from the website of MDM ( [www.Mopani.gov.za](http://www.Mopani.gov.za) ).

## 9. DESCRIPTION OF THE SUBJECTS ON WHICH MDM HOLDS RECORDS AND CATEGORIES OF RECORDS

Subjects on which MOPANI District Municipality holds records	Categories of records held on each subject
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>· Personnel records of employees</li> <li>· Files of applicants for vacant positions</li> <li>· Records of interviews for vacancies</li> <li>· Records of procedures relating to grievances and discipline</li> <li>· HR policies and procedures;</li> <li>· Advertised posts;</li> </ul>

	<ul style="list-style-type: none"> <li>· Employees records;</li> <li>· Learning and development e.g.: skills development and training plans</li> <li>· Employment equity plan and statistics</li> </ul>
<b>Policy documents</b>	<ul style="list-style-type: none"> <li>· Internal policies of the Municipality</li> <li>· National policies relating to the institution of Local Government</li> <li>· Planning documents</li> </ul>
<b>Minutes of meetings and reports</b>	<ul style="list-style-type: none"> <li>· For Council meetings</li> <li>· For the policy making and coordinating structures outlined earlier</li> <li>· For working meetings held in various sections</li> <li>· Annual Reports,</li> <li>· Strategic Plan</li> <li>· Annual Performance Plan.</li> </ul>
<b>Financial documents</b>	<ul style="list-style-type: none"> <li>· Financial planning documents.</li> <li>· Statements of accounts.</li> <li>· Records of income and expenditure.</li> <li>· Current accounts</li> <li>· Audited financial statements</li> <li>· Annual Budget</li> </ul>
<b>Proceedings of workshops and seminars</b>	<ul style="list-style-type: none"> <li>· Relating to any of the functional areas of the Municipality</li> </ul>

<b>Draft legislation</b>	- This could relate to any area of municipal service
<b>Procurement records</b>	· Bid documents (Specifications, proposals and adjudication)
<b>Administrative documents</b>	· Various official forms for job applications, financial transactions, evaluation.
<b>Correspondence</b>	· On specific matters pertaining to the Municipality.

**10. CATEGORIES OF RECORDS OF THE (INSERT THE NAME OF THE BODY)  
WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

<b>Category</b>	<b>Document types</b>	<b>Available on website</b>
Strategic documents	<ul style="list-style-type: none"> <li>▪ Integrated Development Plans</li> <li>▪ Service Delivery and Budget Implementation Plans</li> <li>▪ Annual Report</li> <li>▪ Schedules of meetings of Council and its committees</li> <li>▪ Information relating to the vision, mission and strategic objectives of the MOPANI District</li> </ul>	x

	Municipality are available on the following website <a href="http://www.Mopani.gov.za">www.Mopani.gov.za</a>	
Legislation/ regulations	<ul style="list-style-type: none"> <li>▪ By – laws</li> </ul>	X
Human documents	<ul style="list-style-type: none"> <li>▪ Advertisements</li> </ul>	X
Communication	<ul style="list-style-type: none"> <li>▪ Media Statements</li> <li>▪ Speeches and Messages</li> <li>▪ MDM official newsletters</li> <li>▪ Adopted Service Standards</li> </ul>	X

## 11. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE MOPANI DISTRICT MUNICIPALITY AND HOW TO GAIN ACCESS TO THOSE SERVICES

The services available to members of the public from MDM are listed below: –.

Services	Description how the public can access those services
Water Management	The provision of affordable, clean bulk and potable water though Integrated development plan
Sanitation	Provision of decent sanitation facilities to needy communities and households though Integrated development plan
Road and Transport	The provision of facilities to enable accessible public transport services to the Community though Integrated development plan
Environmental Management	Ensure compliance with environmental legislation to manage conservation and protection of the environment and

	sustainable socio-economic development. though Integrated development plan
Emergency and disaster management	The responsibility includes to prevent, mitigate and address disasters in the District and to protect life, property and the environment
Sport, Arts and Culture	the unit is responsible to promote sport, arts and culture in the entire within the district
Local Economic Development	Deals with creation and promotion of Local Economic Development (LED) and focuses on support.
Integrated Development Planning (IDP)	The section deals with the coordination and increases integrated development planning, rural development & urban renewal

## **12. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY MOPANI DISTRICT MUNICIPALITY**

### **12.1 Intergovernmental Relations and structures of the municipality**

District Framework Protocol was developed to guide the activities of the IGR processes in the district. MDM has established IGR Structures in terms of the Intergovernmental Relations Act 13 of 2005.

### **12.2. Municipal public participation activities/ programmes**

MDM has public participation mechanisms within its area of jurisdiction, which includes among others Council Outreach programme, IDP Public Consultations, Batho Pele events and information sharing session. The CDWs and councillors are meant to assist communities to participate in issues of governance within their localities.

### **12.3. Stakeholder engagement**

The municipality is responsible for the co-ordination of the IDP and must draw in other stakeholders in the area who can impact on and/or benefit from development in the area.

There is a model for stakeholder participation in place. Stakeholders have been categorised, focussed with targeted advertising being followed to build recognition of MDM as a brand. Whilst the model has been developed, there is yet a wider challenge to integrate it across the MDM as well as within the local municipalities.

## **13. PROCESSING OF PERSONAL INFORMATION**

### **13.1 Purpose of processing of personal information of data subject by the MDM**

13.1.1 The MDM process personal information of data subjects under its care in the following ways –

13.1.1.1 Staff administration and Job applicants.

13.1.1.2 Keeping of accounts and records.

13.1.1.3. Procurement process.

13.1.1.4. Visitors to any premises of MDM

13.1.1.5 Complying with other relevant legislations, such as MFMA/PFMA, POPIA/PAIA, National Archives Act and Regulations under MDM and National Treasury Instruction Notes.

**13.2. The categories of the data subjects and the description of the nature or categories of the personal information to be processed**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be Processed</b>
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives ( family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

### 13.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Internal and external Auditors	Auditing process
Internal Security and Risk	Internal management of Risk

### 13.4 Planned trans-border of personal information

The MDM has not planned trans-border flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Municipality will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the MDM is obliged under **POPIA**.

Any transfer of personal information cross border shall be with data subject's consent, however, should it not be reasonably practicable to obtain data subject's consent, the MDM shall transfer the personal information if -

- It will be for the data subject's benefit; and
- the data subject would have given consent should it have been reasonably practicable to obtain such consent.

## 13.5 General Description of Information Security Measures

13.5.1 The MDM continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent –

13.5.1.1 Loss of, damage to or unauthorised destruction of personal information; and

13.5.1.2 unlawful access to or processing of personal information.

13.5.2 MDM has taken reasonable measures, as contained paragraph 13.5.3 below, to -

- identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control.
- establish and maintain appropriate safeguards against the risks identified.
- regularly verify that the safeguards are effectively implemented; and
- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

13.5.3 Measures taken by the MDM includes, amongst others -

- Access Control.
- Data Encryption.
- Defensive Measures.
- Robust Monitoring, Auditing and Reporting capabilities.
- Data Backups.
- Anti-virus and Anti-Malware Solutions.
- Awareness and Vigilance; and

## 14. AVAILABILITY OF THE MANUAL

14.1 This Manual is made available in the following three official languages-

14.1.1 English.

14.1.2 Sepedi

14.1.3 Xitsonga

14.1.4 Afrikaans

14.1.5 Tshivenda

14.2 A copy of this Manual or the updated version thereof, is also available as follows-

14.2.1 MDM Website at [www.Mopani.org.za](http://www.Mopani.org.za)

14.2.2 Mopani District Municipality, Head Office, Disaster Management Centre Satellite Offices and Fire Stations for public inspection during normal business hours.

14.2.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

14.2.4 to the Information Regulator upon request.

43.3 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## 15. UPDATING OF THE MANUAL

The Mopani District Municipality will, if necessary, update and publish this Manual every five years in line with the terms of office of council or whenever necessary.

## 16. APPROVAL

### APPROVED BY COUNCIL.:

<b>Policy Number:</b>	<b>Approved Date:</b>
<b>Effective Date:</b>	<b>Council Resolution no:</b>

### APPROVED BY:

\_\_\_\_\_  
**MUNICIPAL MANAGER**

\_\_\_\_\_  
**DATE**

