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LOCAL AUTHORITY

West Coast District Municipality: Manual on the Promotion of Access to
Information 2

MANUAL

ON THE PROMOTION OF ACCESS TO INFORMATION FOR

WEST COAST DISTRICT MUNICIPALITY



**PREPARED IN TERMS OF SECTION 14 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, ACT 2 OF 2000 (“THE ACT”)**

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WEST COAST DISTRICT MUNICIPALITY

ACCESS TO INFORMATION

INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 ["the Act"] was enacted on 03 February 2000, giving effect to the constitutional right of access to, inter alia, any information held by the State. The right of access to any information 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.

The Act also sets out the requisite procedural issues attached to a request for information. Please note that wherever reference is made to "Public Body" in this manual, it will refer to West Coast District Municipality ["the Municipality"], a public body within the local sphere of government, for whom this manual is drafted.

This manual has been compiled in accordance with the Promotion of Access to Information Act (Act 2 of 2000).

This manual has been compiled with a view to:

- establish a culture of transparency and accountability and to be able to afford every person the right of access to information;
- actively promote a community where people residing in the West Coast District Municipal Area can have access to information that will enable them to effectively promote and protect all their rights.

REGULATIONS

- 2007: PAIA, 2000 - Amendment of Regulations - Insertion of Regulation 5A & 9A (R466 - Eng or Afr)
- 2006: Government Notice R. 990 of 13 October 2006 was published in Gazette 29278 dated 13 October 2006. Amendment to the PAIA regulations section 91a(7) and section 92(4)
- 2003: Amended Regulations - The Minister for Justice and Constitutional Development has, under Section 92 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), made the regulations in the Schedule. (R1244 - ENG or AFR)
- 2003: Notice 25411: Amendment of regulations regarding the Promotion of Access to Information Act, 2000 (English or Afrikaans)
- 2002: Regulations relating to the Promotion of Access to Information, 15 February 2002 (R. 187)
- 2001: Regulations relating to the Promotion of Access to Information, 09 March 2001 (R.223)

The Protection of Personal Information Act, No 4 of 2013 (POPI) has been gazette on 26 November 2013. Each request will be considered on merit and as prescribed in the POPI Act, with specific reference to Sections 23 and 26 of the POPI Act as guidelines.

CHAPTER 1

WEST COAST DISTRICT MUNICIPALITY: DESCRIPTION OF STRUCTURES AND FUNCTIONS (DC1)

1. DESCRIPTION OF THE WEST COAST DISTRICT MUNICIPALITY: SECTION 14(1)(a)

The West Coast District Municipality was instituted in terms of a Section 12 Notice, Provincial Notice No P.N. 480 dated 22 September 2000, as amended.

2. STRUCTURE OF THE MUNICIPALITY

The structure of the District Municipality consists of a political and administrative structure.

The West Coast District Municipality consists of twenty five Councillors from which the Speaker and the Executive Mayor and his Committee respectively, are elected. The Executive Mayor and his Committee consist of the Executive Mayor, Deputy Mayor and three additional Councillors with the Speaker as Ex Officio (seven in total).

The municipality has a Mayor who is the Chairperson of the Executive Mayoral Committee of Council and a Speaker who is the Chairperson of the Council. The day to day functioning of the municipality takes place through Committees which report to Executive Mayoral Committee and whose decisions are thereafter ratified by the Executive Mayoral Committee or Council, depending on delegated authority.

The Committees that report to Executive Mayoral Committee are:

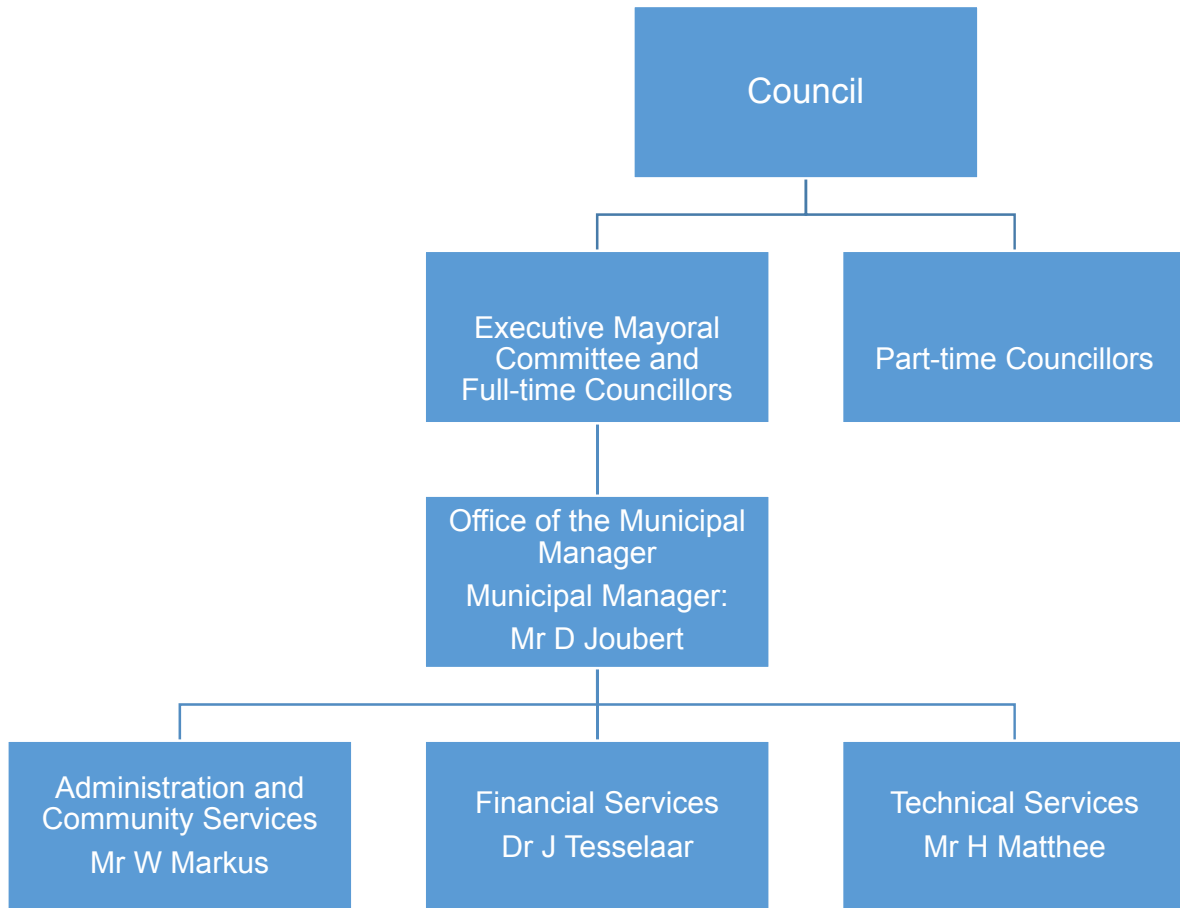
- Administration and Community Services Committee
- Finance
- Infrastructure Services
- Strategic Support and Economic Development

2.2 The Management Team of West Coast District Municipality at present consists of the Municipal Manager and the Directors Administration and Community Services, Finance and Technical Services.

2.3 There are at present altogether 552 employees at the West Coast District Municipality.

Moorreesburg functions as the Head Office of West Coast District Municipality

**WEST COAST DISTRICT MUNICIPALITY
MACRO - \ MICRO ORGANISATIONAL STRUCTURE**



3. FUNCTIONS OF THE WEST COAST DISTRICT MUNICIPALITY

The District Municipality has legislative and executive authority in respect of the powers and functions as conferred on it in terms of the Constitution of the Republic of South Africa, 1996 and other appropriate legislation.

The core functions and powers of the District Municipality in terms of Section 84 of the Municipal Structures Act, 1998 (Act No 117 of 1998), include the following:

- 3.1 Integrated development planning for the district municipality as a whole, including a framework for integrated development plans of all municipalities in the area of the district municipality.
- 3.2 Municipal Health Services
- 3.3 Fire fighting services serving the area of the district municipality as a whole, which includes—
 - 3.3.1 planning, co-ordination and regulation of fire services;
 - 3.3.2 specialised fire fighting services such as mountain, veld and chemical fire services;
 - 3.3.3 co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;
 - 3.3.4 training of fire officers.
- 3.4 Promotion of local tourism for the area of the district municipality.
- 3.5 Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.
- 3.6 The receipt, allocation and, if applicable, the distribution of grants made to the district municipality.
- 3.7 The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned to the district municipality in terms of national legislation.

CHAPTER 2

CONTACT DETAILS OF INFORMATION OFFICERS

2.1 CONTACT DETAILS

2.1.1 Information Officer

Municipal Manager:
Mr D Joubert: mm@wcdm.co.za

2.1.2 Assistant Information Officers

2.1.2 Assistant Information Officers

2.1.2.1 Director : Administration and Community Services
Mr W Markus: wmarkus@wcdm.co.za

2.1.2.3 Director : Financial Services
Dr JCP Tesselaar: jcptesselaar@wcdm.co.za

2.1.2.5 Director : Technical Services
Mr H Matthee: hjmatthee@wcdm.co.za

2.1.3 Street Address

58 Long Street
Moorreesburg
7310

2.1.4 Postal Address

PO Box 242
Moorreesburg
7310

2.1.5 Tel No: 022 – 433 8400

2.1.6 Fax No: 086 6926113

2.1.7 Website: www.westcoastdm.co.za

2.1.8 Email: westcoastdm@wcdm.co.za

Deputy Information Officers	
Office of the Municipal Manager	
Human Resources	Snr Manager Human Resources Dr H Brand
Skills Development and Training	Manager Training and Development Mrs T Steinmann
Internal Audit	Manager Internal Audit Mr A Adams
Strategic Services, Local Economic Development, Integrated Development Plan	Snr Manager Strategic Services Mr FE Williams
Community Development	Manager Community Services Mrs M Blanckenberg
Tourism and Public Relations	Manager Tourism Mrs H Van Rooyen
Administration and Community Services	
Administration (Council) Records, Annual Report, Oversight Report	Manager Administration Mrs Z Jacobs
Disaster Management	Disaster Management Manager Mr F Petersen
Fire and Rescue Services	Chief Fire Officer Mr B Senekal
Municipal Health	Snr Manager Environmental Health Mr N de Jongh
Air Quality	Manager Air Quality Ms C Ganten-Bein
Environmental Integrity	Head Environmental Management Officer Mr C Malherbe
Finance	
Financial Statements, Reporting and Asset Control	Snr Manager Financial Statements, Reporting and Asset Control Mr P April
Income and Expenditure, MSCOA,	Snr Manager Income and Expenditure Mr J Jonker
Information Technology	Manager Information Technology Mr H Matthews
Tenders, Quotations	Snr Manager Supply Chain Management Mr M Markus
Technical Services	
Planning Spatial Development Framework	Town & Regional Planner Mrs D Kotze
Water supply	Snr Manager: Water Supply Mr N Faasen
Roads	Senior Manager: Roads Mr D Van der Westhuizen

CHAPTER 3**SECTION 10 GUIDELINES ON THE APPLICATION OF 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 obtainable from the South African Human Rights Commission.

Any enquiries in this regard should be directed to:

The South African Human Rights Commission
PAIA Unit

Physical Address:

29 Princess of Wales Terrace
Cnr of York and St Andrews Street
Parktown

Postal Address:

Private Bag x 2700
Houghton
2041

Telephone nr : +27 11 484 8300

Fax nr: +27 11 484 1360

Website address: www.sahrc.org.za

Email address: paia@sahrc.org.za

CHAPTER 4

ANNEXURE A

RECORDS AND CATEGORIES OF SUBJECTS HELD BY THE MUNICIPALITY

The method of managing records in the Municipality is in accordance with National and Provincial Archive requirements. It should be noted that inclusion in the following list of records does not mean that the files or records are necessarily accessible under the Promotion of Access to Information Act. The Act prohibits a public body from allowing access, and/or allows the Public body to refuse access, to certain types of information. Chapter 4 of the Act deals with the grounds for refusal of access to records.

SUBJECTS

The Municipality holds records of the following subjects. The different categories of records within these subjects follow hereafter.

RECORD CATEGORIES

The Municipality holds records in the following categories:

Legislation

- a) National acts applicable to local government
- b) Provincial acts applicable to local government
- c) Municipal ordinances and those of its predecessors
- d) Regulations, notices and proclamations applicable to local government and the municipality, issued by the president, national ministers and MECs
- e) By-laws and regulations

Organisation and Control

- a) Organisational structure
- b) The Municipality's vision and mission
- c) Strategies
- d) Delegation of powers
- e) Records Management - Filing system / Records Control Schedule / Registry Procedure Manual
- f) Business plans

Integrated development Plan

- a) Related information and correspondence in respect of the IDP
- b) Projects identified in IDP
- c) Performance management system
- d) Service Delivery Budget Implementation Plan (SDBIP)

Political system

- a) Establishment notice / Institution notice
- b) Political structure: name, composition, terms of reference, party political representation, office bearers, time and date of meeting
- c) Agendas and minutes of all meetings of political structures
- d) Reports to all political structures

- e) Rules of Order governing meetings
- f) List of councillors representing the Council on external organisations
- g) Election results

Policy

- a) West Coast District Municipality Air Quality Management Plan
- b) Records Management Policy
- c) Catering Policy
- d) Fire Reservist Employment Policy
- e) Conferment of Aldermanship on Councillors of the WCDM
- f) Overtime Policy
- g) Subsistence and Travel Policy
- h) Study Bursary Policy
- i) Code of Conduct on Political Activities of Municipal Employees
- j) Fire Services: Fire Progress Policy
- k) Long Service Award Policy
- l) Fire Services: Brigade Orders
- m) Dress Code Policy
- n) West Coast District Municipality: Handbook on Human Resource Policies and Procedures
- o) Language Policy
- p) Internet and E-mail Policy
- q) Supply Chain Management Policy
- r) Free 6l Water Policy
- s) Policy for the renting of the houses at the various water installations
- t) Unallocated Revenue Policy
- u) Code of Conduct of SCM Practitioners and Other Roleplayer
- v) Indigent Policy
- w) Asset Management Policy
- x) Property Rates Policy
- y) Fraud Prevention Plan
- z) Fraud Policy and Response Plan
- aa) Debt Management Policy
- bb) Investment and Cash Management Policy
- cc) Tariff policy
- dd) Integrated Transport Plan: West Coast District Municipality

Land and building

- a) Land and Buildings leased for municipal purposes: Description and details
- b) Land and Buildings purchase for municipal purposes: Description and details
- c) Land and Buildings sold: Description and details
- d) Asset management register

Financial

- a) Capital and Operating budget
- b) Management information: financial statements, spending patterns, revenue figures, details of bad debt, budget control mechanisms
- c) Tariffs, Rates, taxes, fees and levies on surcharges
- d) Loans: Details of external loans
- e) Equable share: Details of government allocations
- f) Revenue derived from the rendering of agency functions

- g) Valuations
- h) Funds: Name, purpose and financial standing
- i) Investments: Investment amount, institution, terms
- j) Insurance portfolio: insurer, premium, ensured risks
- k) Losses suffered: Details, actions taken to prevent repetition, reports and returns
- l) Audit reports
- m) Donations: Amounts and beneficiaries
- n) Bursaries: Amounts and beneficiaries
- o) Loans: Amounts and beneficiaries
- p) Bank accounts: Name of banker, reports and statements
- q) Asset management

Tenders and contracts

- a) Supply chain Management: Financial information regarding tenders, quotations, contracts and proposals calls
- b) Standard Operating Procedure
- c) Annual tenders: details of goods, services and supplier

Human resource management

- a) Personnel structure, schedule and statistics
- b) Job descriptions
- c) Skills Development
- d) Employment Equity
- e) Conditions of service
- f) Vacancies and appointments
- g) Labour Relations
- h) Training and qualifications statistics
- i) Rules governing pension/retirement and medical funds
- j) Occupational Health and Safety
- k) Union Representation
- l) Human Resource Policies and Procedures

Legal matters

- a) Legal opinions
- b) Court judgements / rulings
- c) Legal actions instituted by the Municipality
- d) Legal actions instituted against the Municipality
- e) Appeals in accordance with s 62 of the Systems Act
- f) Appeals in accordance with other acts
- g) Legal costs incurred.

Services

- a) Servitudes on, above and below property.
- b) Usage concessions on municipal property.
- c) Agreements in respect of installations and connections.
- d) Agreements in respect of services rendered to or by other bodies of state.
- e) Details of private service providers.

Community services [Municipal health, Fire services, Disaster Management]

- a) Municipal health records
- b) Fire Services
- c) Disaster Management
- d) Housing contracts, statistics and reports.
- e) Rental agreements and conditions of usage: halls, resorts, et cetera.
- f) Reports on Fire Services incidents
- g) Disaster management plans
- h) Notices to appear in court and summonses
- i) Agreements with reference to service rendering to and by other bodies of state.

Regional Planning and Development

- a) Surveys: trigonometrically, aerial, geological
- b) District Municipal Spatial development framework

Licences and permits

- a) Applications and issuing
- b) Licences
- c) Certificates
- d) Permits
- e) Mining
- f) Air Quality
- g) In-Land Water

Reports, returns and statistics

- a) Related information and correspondence in respect of the Annual Report
- b) Related information and correspondence in respect of the Oversight Report
- c) Reports to other organs of state
- d) Internal reports and statistics

Publications

- a) Press and other media releases
- b) Advertisements placed by the Municipality
- c) Brochures and newsletters
- d) Departmental telephone directory
- e) Maps and tourism guides
- f) Speeches delivered by Political Office Bearers
- g) Annual Report
- h) IDP
- i) Budget
- j) Newsletter

Water supply

- a) Construction and maintenance of water supply schemes/reservoirs/boreholes /dams/pump stations
- b) Maintenance and operation of networks
- c) Water restrictions
- d) Servitudes
- e) Monitoring services

CHAPTER 5**ANNEXURE B****CATEGORIES OF RECORDS THAT ARE AVAILABLE AUTOMATICALLY**

5.1	<u>Business details</u>	The name, location, address, telephone number, contact person, business hours, et cetera of all municipal offices, depots, installations, facilities and amenities.	Mrs Z Jacobs Manager Administration
5.2	<u>Agendas and minutes</u>	The agendas and minutes of all meetings held by the Council, its structure as well as formal personnel meetings and those of its predecessors, excluding agendas and minutes that have been marked as confidential.	Mrs Z Jacobs Manager Administration
5.3	<u>Councillors Structures</u>	Councillor information Including Council, Executive Mayoral Committee, other committees <ul style="list-style-type: none"> • compilation, names of members, office bearers, political affiliation • time and venue of meetings 	Mrs Z Jacobs Manager Administration
5.4	<u>Municipal legislation, by-laws and policies</u>	All such documentation	Mrs Z Jacobs Manager Administration
5.5	<u>Delegations</u>	Delegations to: <ul style="list-style-type: none"> • Political office bearers • Personnel • Structures 	Mrs Z Jacobs Manager Administration
5.6	<u>Authorisation granted to political office bearers, councillors and personnel</u>	Authorisation to -- <ul style="list-style-type: none"> • enter into contracts • sign legal documents, cheques 	Mr W Markus Director Administration and Community Services
5.7	<u>Resolutions by individuals</u>	Resolutions by any political office bearer, councillor or personnel member in accordance with the authority or duty that has been delegated or sub-delegated to him/her.	Mr W Markus Director Administration and Community Services
5.8.1	<u>Budget</u>	All documentation with regard to – <ul style="list-style-type: none"> • Capital Budget And Operational Budget 	Mr J Jonker Snr Manager Income and Expenditure
5.8.2	<u>IDP</u>	All documentation with regard to – <ul style="list-style-type: none"> • IDP • Business plans • Strategies 	Mr FE Williams Snr Manager Strategic Services

5.9	<u>Financial records</u>	<ul style="list-style-type: none"> • Annual Financial Statements • Budget Control • Assets (movable and immovable) 	Mr P April Senior Manager: Financial Statements, Reporting and Asset Control
5.10	<u>Registers</u>	Registers in connection with – <ul style="list-style-type: none"> • Agreements • Contractors, Service Providers • Tenders awarded 	Mr M Markus Snr Manager: Supply Chain Management
5.11	<u>Tariffs, fees, levies</u>	All tariffs, fees, levies, approved by the Council	Mr J Jonker Snr Manager Income and Expenditure
5.12	<u>Personal information on personnel</u>	Personal information on personnel in accordance with Section 34(2)(f) with regard to <ul style="list-style-type: none"> • Whether a person is or has been an official • Title, business address, business telephone number, e-mail address of an official 	Dr H Brand Snr Manager Human Resource Management
5.13	<u>Statistics</u>	(Excluding individual's personal details) <ul style="list-style-type: none"> • Statistics maintained for departmental use in the format in which it is available • Statistics in the format as prescribed by law. 	Mr FE Williams Snr Manager Strategic Services
5.14	<u>Personal information of personal requester</u>	Personal information requested by 'n personal requester for access to a record that contains personal information of the requester on positive identification.	Refer to the POPI Act
5.15	<u>Research</u>	Information with reference to research conducted by or on behalf of the Municipality with the proviso that such research results have already been submitted to the Council or one of its structures and that no copyright rests with persons or institutions that are not associated with the Municipality.	Mr FE Williams Snr Manager Strategic Services
5.16	<u>Publications</u>	All publications by or on behalf of the Municipality which have already been made public or have already been submitted to the Council and in terms of which no copyright rests with a person or institution that is not associated with the municipality.	Mrs H van Rooyen Manager Tourism
5.17	<u>Tenders</u>	Tenders and development proposals once they have been opened in public.	Mr M Markus Snr Manager: Supply Chain Management

5.18	<u>Service providers</u>	Details of providers of services to the Council.	Mr M Markus Snr Manager: Supply Chain Management
5.19	<u>Planning</u>	<ul style="list-style-type: none"> • Zoning and structure plans • Individual zonings and conditions 	Mrs D Kotze Town & Regional Planner
5.20	<u>Land</u>	Only a few records of landowners.	Mrs D Kotze Town & Regional Planner
5.21	<u>Organisational structure</u>	<ul style="list-style-type: none"> • Organogram • Personnel structure 	Dr H Brand Snr Manager Human Resource Management
5.22	<u>Reports</u>	<ul style="list-style-type: none"> • Annual Report • Oversight Report 	Mrs Z Jacobs Manager Administration
5.23	<u>Reports</u>	<ul style="list-style-type: none"> • Auditor-General Report 	Mr AL Adams Manager Internal Audit

CHAPTER 6

CATEGORIES OF INFORMATION THAT NEED TO BE REQUESTED FORMALLY

6.1 Information that must be requested formally

West Coast District Municipality retains certain information with regard to the following subjects that must be requested formally in terms of the conditions set out in the under mentioned clause.

- 6.1.1 Personal information of individuals (except medical reports, disciplinary actions, salary deductions)
- 6.1.2 In-committee minutes (marked confidential)
- 6.1.3 Summons issued to persons

Request procedure

- 6.2.1 Access to information listed above will be requested by:
 - 6.2.1.1 Completion of the prescribed Form A ("request form"); and
 - 6.2.1.2 Payment of the prescribed fee as set out in Schedules 1 and 2 of this manual. A requester who seeks access to a record containing personal information about that requester is, however, not required to pay the request fee.
- 6.2.2 After the Information Officer has made a decision on the request, the requester must be notified of such a decision in the way in which the requester wanted to be notified.
- 6.2.3 The requester must indicate whether the request is for a copy of the record or whether the requester wants to come in and scrutinise the record at the offices of the West Coast District Municipality.
- 6.2.4 Access to the above information will only be granted to the requester in the form requested, unless doing so would interfere unreasonably with the running or operation of the West Coast District Municipality, or damage the record, or infringe a copyright.

- 6.2.5 If for practical reasons access cannot be given in the required form but in an alternative form, then the fee will be calculated according to the form that the requester first asked for.
- 6.2.6 If the requester is unable to read or write, or has a disability, he/she can submit the request for the record verbally, in which case the Information Officer will fill out the form on behalf of such a requester and give the requester a copy of the completed form.
- 6.2.7 The requester must clearly indicate the following on the requisition form:—
- 6.2.7.1 whether the requester would like to be informed telephonically about how successful his/her request has been, or in any other way.
- 6.2.7.2 the capacity in which the request is made, in case of the information being requested on behalf of someone else.

6.3 Appeal against refusal of access to information

- 6.3.1 If, on compliance with the requirements for the procedure to be followed as set out in 6.2 above:
- 6.3.1.1 the Assistant Information Officer refuses to grant access to information; and
- 6.3.1.2 such refusal is not based on any valid grounds for refusal as set out in the Act;
- the applicant may lodge an appeal with the Information Officer (Municipal Manager) against the decision taken by such an Assistant Information Officer or Deputy Information Officer.
- 6.3.2 If the requester is not satisfied with the decision taken by the Information Officer as set out in 6.3.1 above, an appeal may be lodged with the Mayor of the West Coast District Municipality.
- 6.3.3 The requester may file for a court order as additional assistance if the decision taken by the Mayor on appeal is not satisfactory.

REQUEST FOR ACCESS [SECTION 11] 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 [SECTION 18(1)]

Access to information which is not automatically available must requested in writing on the prescribed form (Form A), attached hereto as "Annexure C" and be forwarded to the Information Officer, Assistant Information Officer or / and Deputy Information Officer.

The application form must be accompanied by the prescribed request fee.

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 the Municipality. 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 Municipality or would damage its records or infringe a copyright not owned by the Municipality. If the requester wishes to be informed of the decision regarding the request in any other manner, e.g. telephonically, by fax or email, 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 and proof thereof provided.

When a requester is unable to read or write or has a disability, the request can be made orally, in which event the Information Officer, Assistant Information Officer or / and Deputy Information Officer will complete the form on behalf of the requester.

If for practical reasons access cannot be given in the requested manner but in an alternative manner, then the fee for access will be calculated according to the manner that the requester had requested. The Information Officer, Assistant Information Officer or / and Deputy Information Officer will render such reasonable assistance, free of charge, as is necessary to enable the requester to comply with Section 18(1).

If a requester has made a request for access that does not comply with Section 18(1), the Information Officer, and Assistant Information Officer or / and Deputy Information Officer concerned may refuse the request if he/she has: Notified the requester of an intention to refuse the request and stated in the notice - The reasons for the contemplated refusal; and that the Information Officer, Assistant Information Officer or / and Deputy Information Officer Information Officer, or another Official, would assist the requester in order to make the request in a form that would remove the grounds for refusal; given the requester a reasonably opportunity to seek such assistance; as far as reasonably possible, furnished the requester with any information that would assist the making of the request in that form; and given the requester a reasonably opportunity to confirm the request or alter it to comply with Section 18(1).

TRANSFER OF REQUESTS [SECTION 20]

If a request for access is made for information which is not in the possession of the Municipality, or if the information is more closely connected to another public body, the Information Officer/Deputy Information Officer will assist the requester to make the request to the relevant Information Officer/Deputy Information Officer of the other body, or transfer the request to the other body within 14 (fourteen) days after the request has been received.

FEES PAYABLE [SECTION 22]

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 him or herself, the requester, is not required to pay the request fee. Every other requester must pay the relevant request fee. The Information Officer, and Assistant Information Officer or / and Deputy Information Officer will notify the requester to pay the prescribed fee, if any, before further processing the request. The prescribed request fee payable is set out in "Annexure D". The requester may also be notified to pay a deposit under certain circumstances.

The requester may lodge an internal appeal or an application to the court against the payment of the request fee. Certain persons, as set out in "Annexure E", are exempted from paying access fees.

RECORDS NOT FOUND OR DO NOT EXIST [SECTION 23]

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, and Assistant Information Officer or / and Deputy Information Officer will by means of an affidavit/affirmation, inform the requester accordingly, giving full reasons.

DEFERRAL OF ACCESS [SECTION 24]

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.

DECISION ON REQUEST AND NOTICE THEREOF [SECTION 25]

The Municipality will respond to the request within 30 (thirty) calendar days, unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is necessitated. Where an extension of the 30 day time limit is required, the requester shall be notified accordingly, together with an explanation why such extension was necessitated. The time limit may be extended only once, for a further period of 30 days in terms of Section 26. If the Information Officer/Deputy Information Officer fails to give the decision on a request for access to the requester within the periods as set out here above, the Information Officer/Deputy Information Officer is regarded as having refused the request in terms of Section 27. If the request is granted, a further access fee as set out in "Annexure D" must be paid for the search, preparation and reproduction of the record, where applicable.

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

LANGUAGE OF ACCESS [SECTION 31]

The record will be made available in the language preferred by the requester, if it exists in that language, or, if it does not exist in that language or the requester has no preference or has not indicated a preference, in any language it exists in.

REFUSAL OF ACCESS TO CERTAIN RECORDS [CHAPTER 4]

As indicated here above, the right of access to information is subject to justifiable limitations, including but not limited to limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances that right with any other right, including the Bill of Rights in Chapter 2 of the Constitution.

Section 9(b) (ii) recognizes that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the bill of Rights in the Constitution. The Information Officer/Deputy Information Officer may refuse access to certain records under the circumstances as provided for in sections 33 to 46 in Chapter 4 of the Act. (See "Annexure F".)

**THIRD PARTY NOTIFICATION AND INTERVENTION [CHAPTER 5]
NOTICE TO THIRD PARTIES [SECTION 47]**

The Information Officer/Deputy Information Officer considering a request for access to a record of a third party must take all reasonable steps to inform a third party to whom or which the record relates of the request as soon as reasonably possible, but in any event, within 21 days after the request is received, by the fastest means reasonably possible.

The third party may, within 21 days after being so informed, make written or oral representations to the Information Officer/Deputy Information Officer why the request should be refused or may give written consent for the disclosure of the record to the requester.

DECISION ON REPRESENTATIONS BY THIRD PARTIES [SECTION 49]

The Information Officer, and Assistant Information Officer or / and Deputy Information Officer must, within 30 days, decide whether to grant the request for access and notify the third party accordingly.

If the request for access is granted the notice must state:

- a) Adequate reasons for granting the request, including the provisions of this Act relied upon;
- b) That the third party may lodge an internal appeal or an application, as the case may be, against the decision within 30 days after notice is given, and the procedure for lodging the internal appeal or application; and
- c) That the requester will be given access to the record after expiry of the applicable period,
- d) Unless such internal appeal or application with a court is lodged within that period.

**INTERNAL APPEALS AGAINST DECISIONS OF INFORMATION OFFICERS
[PART 4 - CHAPTER 1 OF THE ACT]****RIGHT OF INTERNAL APPEAL [SECTION 74]**

A requester may lodge an internal appeal with the Municipality against a decision of the Information Officer, and Assistant Information Officer or / and Deputy Information Officer, if:—

- a) A request for access is refused;
- b) The fees charged are unacceptable.
- c) The period within which a decision with regard to access to a record must be made, is extended; and
- d) Access to a record is not provided in the requested form; and a third party may lodge an internal appeal with the Municipality against a decision by the Information Officer/Deputy Information Officer to disclose information relating to that third party.

APPEAL PROCEDURE AND FEES [SECTION 75]

An internal appeal must be lodged on the prescribed form (Form B), which is attached as "Annexure G", within the following periods:

- (i) A period of 60 (sixty) days;
- (ii) If notice to a third party is required in terms of 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

An internal appeal must:

Be delivered, posted, faxed or sent electronically to the Information Officer, and Assistant Information Officer or / and Deputy Information Officer;

State the manner in which the applicant wishes to be informed of the decision on the internal appeal, in addition to a written reply;

- Identify the subject of the internal appeal and state the reasons for the appeal;
- If applicable, be accompanied by the prescribed appeal fee(s); and
- Specify a postal address, fax number or e-mail address.

The Information Officer or Deputy Information Officer must, within ten (10) working days after the receipt of an internal appeal, submit it, together with his/her reasons for the decision, to the Relevant Authority, namely the Speaker, or in his absence the Executive Mayor or any other person designated by the Municipal Council in writing, for consideration.

If an internal appeal is considered against the refusal of a request for access to a record of a third party, the third party to whom or which the record relates, must be informed of the internal appeal and he/she may, within 21 days after being so informed, make written representations why the request for access should not be granted or give written consent for the disclosure of the record to the requester concerned.

DECISION ON INTERNAL APPEAL AND NOTICE THEREOF [SECTION 77]

When deciding on the internal appeal the Relevant Authority may confirm the decision appealed against or substitute a new decision for it, within 30 days after the internal appeal is received by the Information Officer/Deputy Information Officer.

The Relevant Authority will immediately after the decision on an internal appeal give notice of the decision to the appellant and any relevant third party, state adequate reasons for the decision, and that the appellant, third party or requester, as the case may be, may lodge an application with a court against the decision on internal appeal within 60 days; or, if notice to a third party is required, within 30 days after notice is given, and also state the procedure for lodging the application. If the Relevant Authority fails to give notice of the decision on an internal appeal to the appellant within the periods indicated here above, it is regarded as having dismissed the internal appeal.

APPLICATIONS TO COURT [PART 4 - CHAPTER 2 OF THE ACT]

A requester or third party may make an application to a Court regarding the decisions of the Information Officer/Deputy Information Officer, but only after the internal appeal process has been exhausted.

A requester may make an application to a Court, if he/she is:

- a) Aggrieved by the decision of the Information Officer, and Assistant Information Officer or / and Deputy Information Officer to disallow the late lodging of an internal appeal;
- b) Aggrieved by the decision of Information Officer, and Assistant Information Officer or / and Deputy Information Officer of a public body, other than the Information Officer of a National Department, Provincial Administration or Municipality to refuse a request for access;
- c) Aggrieved by the decision of an Information Officer, and Assistant Information Officer or / and Deputy Information Officer relating to fees required to be paid, the extension of the period within which to deal with the request or the form of access in which the information will be furnished;
- d) Apply to a Court by way of an application for appropriate relief in terms of Section 82, within 30 days.

CHAPTER 7

MISCELLANEOUS

7.1 This manual will be:

7.1.1 Updated annually

7.1.2 Be available in the following places:

7.1.2.1 Each sub-office of the West Coast District Municipality

7.1.2.2 The South African Human Rights Commission

ANNEXURE C



FORM A

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

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

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 separate folio and attach it to this form. **The requester 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 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 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:	Form in which record is required:

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
--	-----------------	--	----------------------

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

	View the images		Copy of the images*		Transcription of the images*

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

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
--	--	--	---

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* (stiffy or compact disc)
--	-------------------------	--	--	--	---

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable	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 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**

ANNEXURE D

SCALE OF PRESCRIBED FEES

Public bodies registered under the Value-Added Tax Act, 1991 (Act 89 of 1991), as vendors may add value-added tax to all fees prescribed in Schedule 1.

PART 1: FEES IN RESPECT OF SECTION 14 GUIDE

The fee for a copy of the guide as contemplated in Regulations 2(3)(b and 3(4)(c) is R 0.60 for every photocopy of an A4-size page or part thereof.

PART II: FEES WITH REFERENCE TO PUBLIC BODIES

1. The fee for a copy of the manual as set out in Regulation 5(c) is R 0.60 for each photocopy of an A4-size page or part thereof.

2. The fees for reproduction as referred to in Regulation 7(1) is as follows:

	R
(a) For each photocopy of an A4-size page or part thereof	0.60
(b) For each printed copy of an A4-size page or part thereof that is stored in a computer or in electronic or machine readable format	0.40
(c) For a copy in a computer-readable format on -	
(i) stiffy disc	5.00
(ii) laser disc	40.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12.00
(ii) For a copy of an audio record	17.00

3. The application fee that is payable by each applicant except a personal applicant and which is referred to in Regulation 7(2), is R 35.00.

4. The access fee that is payable by an applicant and which is referred to in Regulation 7(3), is as follows

	R
(1)(a) For each photocopy of an A4-size page or part thereof	0.60
(1)(b) For each printed copy of an A4-size page or part thereof that is stored in a computer or in electronic or machine readable format	0.40
(1)(c) For a copy in a computer-readable format on -	
(i) stiffy disc	5.00
(ii) laser disc	40.00

- | | | | |
|--------|------|---|-------|
| (1)(d) | (i) | For a transcription of visual images, for an A4-size page or part thereof | 22.00 |
| | (ii) | For a copy of visual images | 60.00 |
| (1)(e) | (i) | For a transcription of an audio record, for an A4-size page or part thereof | 12.00 |
| | (ii) | For a copy of an audio record | 17.00 |
- (1)(f) To search for, and to prepare the records for making public, R 15.00 for each hour or part of an hour, excluding the first hour, that is reasonably necessary for such search and preparation.
- (2) For the purpose of Section 22(2) of the Act, the following is applicable:
- (a) Six hours will be the hours that must be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable by the applicant as a deposit.
- (3) The correct postage is payable when a copy of a record must be posted to an applicant.

ANNEXURE E**PERSONS EXEMPTED FROM PAYING THE FEES FOR REQUESTED INFORMATION**

Database	Government Gazettes
Gazette No	28107
Notice No	991
Regulation	8325
Gazette	GOV
Date	20051014

Government Notice**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

No. R.991

14 October 2005

PROMOTION OF ACCESS TO INFORMATION ACT, 2000 EXEMPTIONS AND DETERMINATIONS FOR PURPOSES OF SECTION 22(8)

I, Brigitte Sylvia Mabandla, Minister for Justice and Constitutional Development, acting under section 22(8) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) hereby—

- (a) Exempt the following persons from paying the access fee contemplated section 22(6) of the Act :
- (i) A single person whose annual income, after permissible deductions referred to in the Schedule to this notice are made, does not exceed R14 714.00 per annum; and
 - (ii) Married persons or a person and his or her life partner whose annual income, after permissible deductions referred to in the Schedule of this notice are made, does not exceed R 27 192.00 per annum and
- (b) Determined that :—
- (i) Where the cost of collecting any fee contemplated in section 22 of the Act, exceeds the amount charged, such fees does not apply;
 - (ii) The access fee contemplated in section 22(6) of the Act does not apply to the personal record of a requester; and
 - (iii) The request fee contemplated in section 22(1) of the Act and the access fee contemplated in section 22(6) of the Act do not apply to a record requested by a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.

SCHEDULE

1. For purposes of paragraph (a)(i) and (ii) of the notice the following deductions are permissible :
 - (a) Employees' tax in terms of paragraph 2 of Part II of the Fourth Schedule of the Income Tax Act, 1962 (Act No. 58 of 1962);
 - (b) Contributions in terms of section 5 of the Unemployment Insurance Contributions Act, 2002 (Act 4 of 2002);
 - (c) Compulsory contributions to a Group Insurance Fund in terms of a court order or in terms of a contract between an employer and his or her employee;
 - (d) Contributions to any medical scheme registered under the provisions of the Medical Schemes Act, 1998 (Act No. 131 of 1998), and allowed to be deducted in terms of section 18(1)(a) of the Income Tax Act, 1962 (Act No. 58 of 1962);
 - (e) Contributions to pension funds in terms of section 13A of the Pension Funds Act, 1958 (Act No. 24 of 1956);
 - (f) Rent or mortgage instalments to the maximum of R12 000 per annum;
 - (g) Maintenance paid in terms of a court order; and
 - (h) School fees, except school fees paid to a private school.

B.S. MABANDLA, MP
Minister of Justice and Constitutional Development

ANNEXURE F

RECORDS THAT MAY BE REFUSED ACCESS TO

Section 9(b) (ii) recognizes that the right to access to information must be given effect to in a manner which balances the right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Information Officer, and Assistant Information Officer or / and Deputy Information Officer may refuse access to certain records under the circumstances as provided for in Sections 33 to 46 of Chapter 4 of the Act.

Access must be refused in the following circumstances:

- a) Request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.
- b) Request for access to a record of the South African Revenue Service if it contains information which was obtained or is held by the Service for the purposes of enforcing legislation concerning the collection of revenue.
- c) Request for access to a record if the record contains commercial information of a third party [e.g. trade secrets; financial, commercial, scientific or technical information, other than trade secrets] of which the disclosure would be likely to cause harm to the commercial or financial interests of the third party. The disclosure of the record could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or to prejudice the third party in commercial competition.
- d) Request for access to a record if the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- e) Request for access to a record if the disclosure thereof could reasonably be expected to endanger the life or physical safety of an individual.
- f) Request for access to a record if access to that record is prohibited in terms of Section 60(14) of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- g) Request for access to a record if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.
- h) Request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party and the disclosure of which would be likely to expose the third party; a person that is or will be carrying out the research on behalf of the third party; or the subject matter of the research to serious disadvantage.

Access may be refused in the following circumstances:

- a) Request for access to a record if the record consists of information that was supplied in confidence by a third party and the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source and if it is in the public interest that similar information, or information from the same source, should continue to be supplied.
- b) Request for access to a record if its disclosure would be likely to prejudice or impair the security of a building, structure or system, or a means of transport or any other property or methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public or any part of the public or the security of property.
- c) Request for access to a record if the record contains methods, techniques, procedures or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of the law or the prosecution of alleged offenders.
- d) Request for access to a record if its disclosure could reasonably be expected to cause prejudice to the defense of the Republic; the security of the Republic; or the international relations of the Republic.
- e) Request for access to a record if its disclosure would be likely to materially jeopardise the economic interests or financial welfare of the Republic or the ability of the government to manage the economy of the Republic effectively in the best interests of the Republic.
- f) Request for access to a record if the record contains trade secrets of the State or a public body; contains financial, commercial, scientific or technical information, other than trade secrets of which the

disclosure would be likely to cause harm to the commercial or financial interests of the State or a public body. The disclosure of the record could reasonably be expected to put a public body at a disadvantage in contractual or other negotiations or to prejudice a public body in commercial competition or a computer program owned by the State or a public body.

- g) Request for access to a record if the record contains information about research being or to be carried out by or on behalf of a public body and the disclosure of which would be likely to expose the public body; a person that is or will be carrying out the research on behalf of the public body; or the subject matter of the research to serious disadvantage.
- h) Request for access to a record if the record contains an opinion, advice, report or recommendation obtained or prepared or an account of a consultation, discussion or deliberation that has occurred, including, but not limited to, minutes of a meeting for the purpose of assisting to formulate a policy or take a decision in the exercise of a power or performance of a duty conferred or imposed by law, would frustrate the deliberative process in a public body.
- i) Request for access to a record if the disclosure of the record could reasonably be expected to jeopardise the effectiveness of a testing, examining or auditing procedure or method used by a public body or the record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the material would breach an express or implied promise which was made to the person who supplied the material and to the effect that the material or the identity of the person who supplied it, or both, would be held in confidence; or the record contains a preliminary, working or other draft of an official of a public body.
- j) Request for access to a record if the request is manifestly frivolous or vexatious; or the work involved in processing the request would substantially and unreasonably divert the resources of the public body.

ANNEXURE G



FORM B

NOTICE OF INTERNAL APPEAL

(Article 75 of the Promotion of Access to Information Act, 2000

(Act No. 2 van 2000))

[Regulation 8]

A. Particulars of public body

The Information Officer/Deputy Information Officer:

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

- | |
|--|
| <p>(a) <i>The particulars of the person who lodge the internal appeal must be given below.</i></p> <p>(b) <i>Proof of the capacity in which the appeal is lodge, if applicable, must be attached.</i></p> <p>(c) <i>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.</i></p> |
|--|

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

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. Particulars of record

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(1) 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, and Assistant Information Officer or / and Deputy Information Officer].

Appeal accompanied by the reasons for the Information Officer, and Assistant Information Officer or / and Deputy Information Officer decisions 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 / ASSISTANT INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER CONFIRMED / NEW DECISION SUBSTITUTED :

NEW DECISION :

DATE: _____

RELEVANT AUTHORITY :

RECEIVED BY THE INFORMATION OFFICER / ASSISTANT INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON :

DATE: _____

