PAIA MANUAL

Prepared in terms of section 14 of the Promotion of Access to Information Act 2 of 2000 (as amended)

September 2026

TABLE OF CONTENTS

1. ACRONYMS, ABBREVIATIONS AND DEFINITIONS 4

2. PURPOSE OF PAIA MANUAL 6

3. MANDATE AND FUNCTIONS OF THE MLM 7

4. STRUCTURE OF THE METSIMAHOLO LOCAL MUNICIPALITY 8

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MLM 9

6. REQUEST PROCEDURE: 9

7. APPEAL PROCEDURE: 11

8. GROUNDS FOR REFUSING A REQUEST FOR ACCESS TO A RECORD……..……12

9. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE..... 13

10. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE ……15

11. PROCESSING OF PERSONAL INFORMATION 15

12. AVAILABILITY OF THE MANUAL..... 18

13. REVIEWAL OF THE MANUAL 18

PREFACE

1. Metsimaholo Municipality was established in 2000 through the amalgamation of the then Sasolburg, Deneysville and the Oranjeville Transitional Local Councils. In simple translation, the name Metsimaholo means “Vast Waters” due to the abundance of water resource available in this area.

2. The municipality is located within Fezile Dabi District Municipality and covers an estimated area of 1 739 square kilometres. The major towns within the Metsimaholo areas of jurisdiction include Sasolburg, Zamdela, Deneysville, Refengkgotso, Oranjeville, Metsimaholo, Viljoensdrif and Coalbrook.

3. The dominance of Sasolburg because of its population density and its proximity to the economically active Johannesburg city provided the area with the opportunity of being declared the “head-offices” of the entire Metsimaholo Municipality.

4. According to Statistic SA Census 2022 it is estimated that the total population of the municipality is at 158 391 with 49 060 households. Currently, the Municipality is demarcated into 23 Wards as per Municipal Demarcation Board (MDB) delimitation (2021).

5. The right of access to information is enshrined in the Constitution of the Republic of South Africa, 1996. Section 32(1)(a) of the Constitution sets out: “Everyone has a right of access to any information that is held by the state and / or information that is held by another person, which may be required for the exercise or protection of any rights.”

6. The Promotion of Access to Information Act No. 2 of 2000 (hereinafter referred to as “PAIA”) seeks to give effect to this constitutional right. The MLM recognizes the importance of transparent governance in a democratic society.

7. The MLM – as a public body – is committed to fostering a culture of transparency and accountability; and to engage in an open democracy where individuals from all walks of life are empowered to engage with government and participate in decisions which affect their lives.

8. This manual seeks to provide guidance to the public in relation to what information is held by the MLM, as well as how to gain access thereto.

1. ACRONYMS, ABBREVIATIONS AND DEFINITIONS

1.1 "**MLM**" Metsimaholo Local Municipality

1.2 **"AO"** Accounting Officer

1.3 **"Deputy Information Officer''** The designated individual in the public body who is responsible for assisting the Information Officer with the PAIA Request;

1.4 **"Information Officer (IO)''** means the accounting officer appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such;

1.5 **"Data Subject"** The person to whom personal information relates;

1.6 **"PAIA"** Promotion of Access to Information Act No. 2 of 2000(as Amended;

1.7 **"POPIA"** Protection of Personal Information Act No.4 of 2013;

1.8 **"Regulator"** Information Regulator.

1.9 **"Personal Information"**

Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

- information relating to the 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 the person;

- information relating to the education or the medical, financial, criminal or employment history of the person;

- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person

- the biometric information of the person; - the personal opinions, views or preferences of the person;

- 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; - the views or opinions of another individual about the person; and

- 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;

1.10 **"Record"** Any recorded information, regardless of form, which is under the control of MLM, whether it was created by MLM or not;

1.11 **"Request"** A request for access to a Record of MLM;

1.12 **"Requester"** Any person making a Request for access to a Record of MLM and includes any person acting on behalf of that person or Requestor;

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

2.1 check the nature of the records which may already be available at Metsimaholo Local Municipality, without the need for submitting a formal PAIA request;

2.2 have an understanding of how to make a request for access to a record of the Metsimaholo Local Municipality;

2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;

2.4 know all the remedies available from the Metsimaholo Local Municipality regarding request for access to the records, before approaching the Regulator or the Courts;

2.5 the description of the services available to members of the public from the Metsimaholo Local Municipality, and how to gain access to those services;

2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.7 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;

2.8 know if the Metsimaholo Local Municipality 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

2.9 know whether the Metsimaholo Local Municipality has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. MANDATE AND FUNCTIONS OF THE MLM

3.1. In terms of Section 156 of the Constitution of the Republic of South Africa, 1996, Metsimaholo Local Municipality is a category B municipality that has executive and legislative authority to administer Local Government Matters listed in Part B of Schedule 4 and Part B of Schedule 5 and any other matter assigned to it by national or provincial legislation.

3.2. The Municipal Systems Act, Act of 2000 (Chapter 3) states that a municipality has all the functions and powers assigned to it in terms of the Constitution and must exercise them subject to Chapter 5 of the Municipal Structures Act, 1998.

3.3. Furthermore, a municipality is empowered by legislation to do anything reasonably necessary for, or incidental to, the effective performance of its functions and the exercise of its powers. Therefore, this section outlines the powers and functions constitutionally assigned to the municipality. Municipalities are empowered by the Constitution of the Republic of South Africa, 1996 to provide a broad range of services in a sustainable manner. This authority emanates from section 152(1) of the Constitution which stipulates the objects of local government, namely to:

3.3.1. Provide democratic and accountable government for local communities.

3.3.2. Ensure the provision of services to communities in a sustainable manner.

3.3.3. Promote social and economic development.

3.3.4. Promote a safe and healthy environment; and

3.3.5. Encourage the involvement of community organisations in the matters of local government.

3.4. The MLM seeks to fulfil its constitutional mandate through providing the following services:

Building regulations; Electricity and gas reticulation; Firefighting services; Local tourism

Municipal planning; Municipal public works; Pontoons, ferries, jetties, piers and harbours,

Storm water management systems in built-up areas; Trading regulations; Water and sanitation services;

Amusement facilities; Cemeteries, funeral parlours and crematoria; Control of public nuisances;

Control of undertakings that sell liquor to the public;

Facilities for the accommodation, care and burial of animals; Licensing of dogs; Local sport facilities; Municipal abattoirs

Municipal parks and recreation; Municipal roads ;Noise pollution; Pounds; Public places; Refuse removal, refuse dumps and solid waste disposal; Street trading; Street lighting

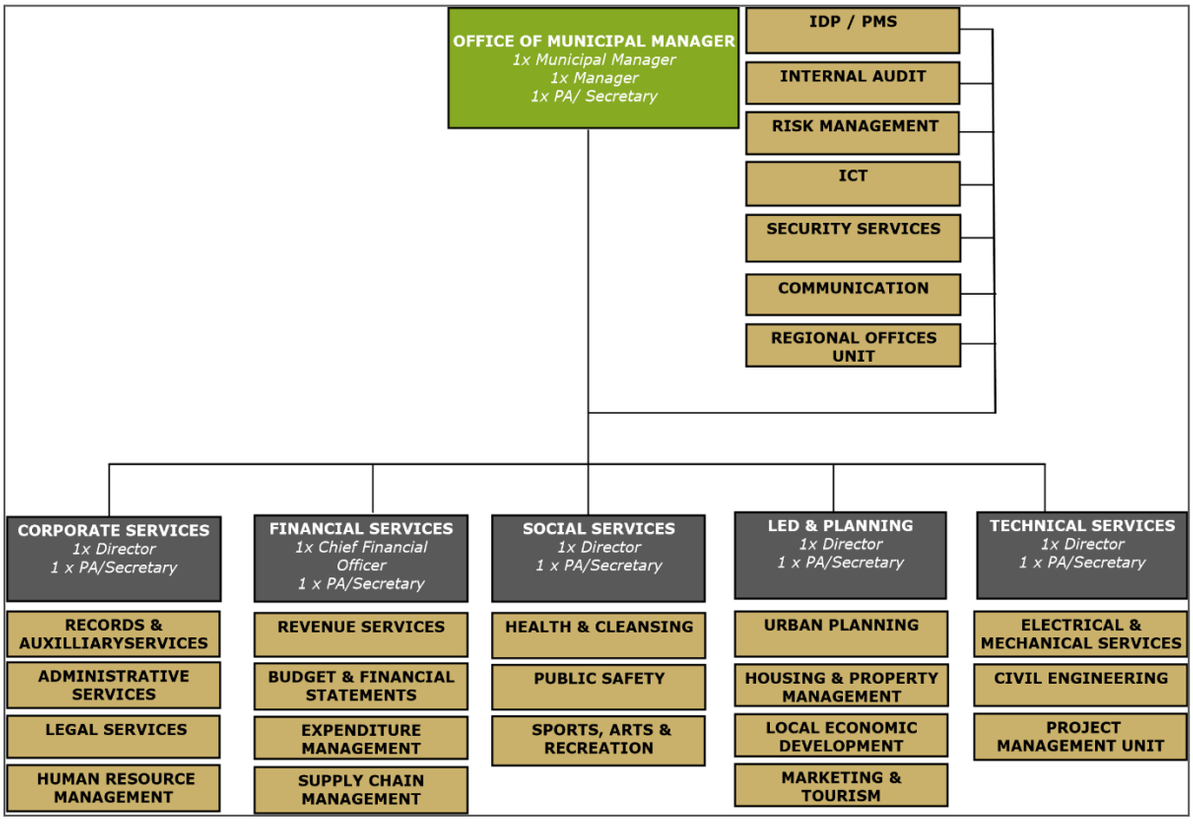
4. STRUCTURE OF THE METSIMAHOLO LOCAL MUNICIPALITY

4.1. Structure

The organisational structure of the MLM is regulated by various legislations, this includes – but is not limited to – the following statute:

- The Constitution of the Republic, 1996 - Local Government: Municipal Structures Act No. 117 of 1998
- Local Government: Municipal Systems Act No. 32 of 2000
- Local Government: Municipal Finance Management Act No. 566 of 2003.

Hereunder, is the Organogram that represents the existing structure which was approved by Council in 2012:



5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MLM

5.1. Information Officer

Name: Basi Motloung

5.2. Deputy Information Officers

Name: Fikile Mareka

Name: Mannini Lebusa

5.3. Contact Details

Tel: 016 973 8313

Email: mmsecretary@metsimaholo.gov.za

5.4. Address

Postal Address: PO BOX 60, Sasolburg, 1947

Physical Address: 7th Floor, Civic Centre, Fichardt Street, Sasolburg

Website: www.metsimaholo.gov.za

PROCESS TO REQUEST INFORMATION AND DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE MLM

6. REQUEST PROCEDURE:

6.1 When a record is requested in terms of PAIA, the requester must be given access thereto if the requester complies with all the procedural requirements set out in the Act.

6.2 Access to the record must be refused if any ground of refusal mentioned in PAIA applies. Additionally, access may be granted if it is in the public interest despite there being a ground for refusal as per section 46(b) of PAIA.

6.3 A request for access to information held by the MLM commences with section 18 of PAIA Form A request. This form is enclosed with this manual marked “FORM

2".

6.4 The request must be made in writing on the prescribed form and must be forwarded to either of the following:

6.4.1 **Postal address**

The Municipal Manger
Information Officer
PO BOX 60
Sasolburg
1947

6.4.2 **Physical address**

The Municipal Manger
Information Officer
7th Floor, Civic Center
Fichardt Street
Sasolburg
1947

6.4.3 **Email address**

mmsecretory@metsimaholo.gov.za

6.5 The request ought to clearly state what information is required and should the request be for a copy of a record, the requester should specify whether they would like to view the record at the office of MLM.

6.6 In a case where a requester is requesting information on behalf of someone else, the capacity in which the request is being made to the satisfaction of the Information officer e.g. Power of Attorney.

6.7 Where a request is made on behalf of a person by their legal representative, a duly signed Power of Attorney must be submitted.

6.8 Where a request is made on behalf of a juristic person, the resolution which authorizes the requestor to make the request must be submitted.

7. DECISION AND NOTICE

7.1 The Requester will be notified within 30 (thirty) days of receipt of the Request of the Information Officer (IO) / Deputy Information Officer (DIO)'s decision, unless the period for dealing with the request has been extended.

7.2 The IO / DIO may refuse access to records in accordance with Part 2, Chapter of PAIA. Annexure D hereto sets out these grounds of refusal in more detail.

7.3 Should the request be granted, a reproduction fee must be paid for the search, preparation and production of the requested record, where applicable (as set out in Form 2). The requestor will be given the requested information, if available, within a reasonable time subsequent to the payment of the prescribed fee.

7.4 When records cannot be located or it is discovered that such do not exist after all reasonable steps have been taken to find the requested information, the IO will by means of an affidavit inform the requestor thereof as well as provide reasons.

8. APPEAL PROCEDURE

8.1 Should the Requestor be aggrieved by the outcome of the Form 2 request, or should such request not be dealt with timeously, an internal appeal may be lodged in terms section 74 of PAIA by way of a Form 4 request, enclosed herewith.

8.2 In terms of section 62 of the Local Government Municipal Systems Act, the Mayor of the council is the appeal authority.

8.3 An internal appeal must be lodged within a period 60 (sixty) days of the Requestor receiving notice of the decision.

8.4 If the request is not considered within 30 (thirty) days, and the IO has not extended the period, the request is deemed to be refused.

8.5 Late appeals will only be allowed should good cause be shown.

8.6 If notice to a third party is required by section 49 (1)(b) of PAIA, within 30 (thirty) days after notice was given to the appellant of the decision appealed against or should no notice be required, after the decision was taken.

8.7 The internal appeal must be delivered to the IO or DIO in the prescribed form 3. The applicant must provide reasons for the appeal.

8.8 The internal appeal ought to state the manner through which the applicant wishes to be informed of the decision of the appeal.

8.9 The IO / DIO must within 10 (ten) working days after receipt of the internal appeal submit such to the appeal authority.

8.10 The relevant appeal authority must decide on the internal appeal as soon as reasonably possible, but in any event within 30 days after the internal appeal is received by the IO.

8.11 If a third party is informed of the appeal in terms of section 76 (1), the appeal must be decided on as soon as reasonably possible, but in any event within 30 days.

8.12 The Mayor must immediately after the decision on an internal appeal give notice of the decision to the appellant, every third party informed as required by section 76 (1) of PAIA and the Requestor.

8.13 If the Mayor fails to give notice of the decision on an internal appeal within specified

period, the internal appeal is deemed as dismissed.

8.14 Should the Requestor be aggrieved by the outcome of the Form 2 request, the requestor may approach a relevant court within 180 days of the dismissal of the internal appeal.

8.15 A Requester or third party may ONLY apply to a High Court (or court of similar status) for appropriate relief after the Requester or third party has exhausted the Internal Appeal procedure and has received notice of the decision.

9. GROUNDS FOR REFUSING A REQUEST FOR ACCESS TO A RECORD

9.1 There are various grounds for an IO/DIO to refuse a request for access to a record. These grounds include, but are not limited to, the following:

9.1.1 If the request is manifestly frivolous or vexations, or amount to a substantial and unreasonable diversion of resources;

9.1.2 The record contains preliminary, working or other drafts of an official of the public body;

9.1.3 The record contains evaluative material, whether or not the person who supplied it is identified in the record, and the disclosure of the record would breach an express or implied agreement made with the party who supplied the information in question that such would be held in confidence;

9.1.4 Disclosure of the record could reasonably be expected to jeopardize the effectiveness of a testing, examining or auditing procedure or method used by the public body.

9.2 As stated, Annexure D contains the statutory provisions of PAIA setting out the grounds of refusal to which a public body must adhere.

9.3 Despite the above-mentioned grounds for refusal, the IO of a public body must grant a request for access to a record of a public body if public interest outweighs the harm contemplated under the grounds of refusal according to Section 46(b).

10. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

10.1 The Regulator 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.

10.2 The Guide is available in each of the official languages.

10.3 The aforesaid Guide contains the description of-

10.3.1 the objects of PAIA and POPIA;

10.3.2 The postal and street address, phone and fax number and, if available, electronic mail address of-

- the Information Officer of every public body, and
- every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA[1] and section 56 of POPIA[2];

10.3.3 the manner and form of a request for-

- access to a record of a public body contemplated in section 11[3]; and
- access to a record of a private body contemplated in section 50[4];

10.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

10.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

10.3.6 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-

i. an internal appeal;

ii. a complaint to the Regulator; and

iii. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

10.3.7 the provisions of sections 14[5] and 51[6] requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

i. the provisions of sections 15[7] and 52[8] providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
ii. the notices issued in terms of sections 22[9] and 54[10] regarding fees to be paid in relation to requests for access; and
iii. the regulations made in terms of section 92[11].

10.4 Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-

10.4.1 upon request to the Information Officer;

10.4.2 from the website of the Regulator (https://www.justice.gov.za/inforeg/).

11. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE

11.1 The following records are available without a person having to request access in terms of PAIA. Disclosure of these categories of documents however remain subject to review by the Information Officer in terms of section 15(4) of PAIA.

11.2 These records are accessible to the public via the MLM's website (www.metsimaholo.gov.za).

11.3 Members of the public who do not have access to the MLM's website are encouraged to liaise with the DIO to schedule the production and/or viewing of the records sought which fall hereunder.

11.4 Categories of Records which are automatically available:

Category	Description
Legislation	All applicable legislations
Manual	PAIA Manual of Metsimaholo Local Municipality (English)
Forms – PAIA	Form 01: Request for a Copy of the Guide from the Information Officer [Regulation 3]
	Form 02: Request for Access to Record [Regulation 7]
	Form 03: Outcome of Request and of Fees Payable [Regulation 8]
	Form 04: Internal Appeal Form [Regulation 9]
	Form 05: Complaint Form [Regulation 10]
Policies	Records Management Policy
	Performance Management and Dev System Policy Framework
	Indigent Policy, Budget Policy
	Cost Containment Policy, Cash Management Policy, Liquidity Funding and Reserves Policy
	Ethics Policy
	Risk Management Strategy
	Information Security / Data Protection Policy
	POPIA Compliance Policy Framework
	Fraud Prevention and Whistleblowing Policy

Category	Description
	Risk Management Policy, Compliance Management Policy
	Supply Chain Management Policy
	Code of Conduct for Councillors and Officials
Registers	Register of PAIA Requests Received and Outcomes
	Asset Register (summary)
	Supplier / Vendor Database Register
Strategic Documents (Plans and Reports)	Integrated Development Plan (IDP)
	Annual Budget and Medium-Term Revenue and Expenditure Framework
	Service Delivery and Budget Implementation Plan (SDBIP)
	Annual Report
	Annual Performance Report
	Annual Financial Statements
	Auditor-General Audit Reports (Municipality)
	Built Environment and Performance Plans
	Oversight report on the Annual Report
Notices	Council Resolutions and Public Notices
	Tariff and By-law Notices
Communications	Media Statements and Press Releases
	Newsletter
Human Resource	Job Advertisements and Vacancy Notices
	Internships, Bursaries and Learnerships
Supply Chain Management	Bid Advertisements and Bid Awards
	Register of Awarded Tenders
	Public Private Partnership Opportunities (PPPO)

12. PROCESSING OF PERSONAL INFORMATION

12.1 The Protection of Personal Information Act No. 4 of 2013 (“POPIA”) provides that a Data Subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

12.2 POPIA also provides that where the Data Subject is required to pay a fee for services provided to him/her, the Responsible Party, being the MLM for purposes of this Manual, must provide the Data Subject with a written estimate of the payable amount before providing the service and may require that the Requestor pay a deposit for all or part of the fee. Grounds for refusal of the data subject’s request are set out in PAIA.

12.3 POPIA provides that a Data Subject may object, at any time, to the processing of Personal Information by MLM, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The Data Subject must complete the prescribed form and submit it to the Information Officer at the postal or physical address, facsimile

number or electronic mail address set out in 5.1. and 5.2.

12.4 A Data Subject may also request MLM to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that MLM is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

12.5 A Data Subject that wishes to request a correction or deletion of Personal Information or the destruction or deletion of a record of Personal Information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out in this Manual.

12.6 The MLM is required to process and retain certain categories of Personal Information in performing its constitutional and statutory functions. However, the MLM will process Personal Information only in ways that are for, or compatible with, the purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject. MLM will retain Personal Information only for as long as is necessary to accomplish MLM's functions or for as long as may be permitted or required by applicable law.

13. PERSONAL INFORMATION THAT MAY BE PROCESSED BY MLM

Categories of Data Subjects	Personal Information that may be Processed
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

13.1 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

14. AVAILABILITY OF THE MANUAL

14.1 This Manual is made available in the following language-

14.1.1 English;
14.1.2 …….

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

14.2.1 on www.metsimaholo.gov.za
14.2.2 at the main office of the MLM for public inspection during normal business hours;

14.3 A fee for a copy of or a printed the Manual, is payable per each A4-size photocopy made.

15. REVIEWAL OF THE MANUAL

The MLM will, if necessary, update and publish this Manual annually.

Issued by

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Mr. FJ Motloung
The Accounting Officer/ Information Officer