



PAIA MANUAL

**Prepared in terms of section 14 of the
Promotion of Access to Information Act
No. 2 of 2000 (as amended)**

DATE OF REVISION: 06/07/2023

TABLE OF CONTENTS

	PREFACE.....	3
1.	ACRONYMS, ABBREVIATIONS AND DEFINITIONS	4
2.	THE PURPOSE OF THIS PAIA MANUAL	6
3.	MANDATE AND FUNCTIONS OF THE NMBMM.....	7
4.	STRUCTURE OF THE NMBMM.....	9
5.	REQUEST PROCEDURE	10
6.	APPLICABLE FEES	11
7.	DECISION AND NOTICE.....	12
8.	APPEAL PROCEDURE	12
9.	GROUND FOR REFUSING A REQUEST FOR ACCESS TO A RECORD.....	14
10.	HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	14
11.	CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE	16
12.	MAIN FILES: CATEGORIES OF RECORDS HELD BY NMBMM WHICH ARE AVAILABLE PER SUCCESSFUL REQUEST	18
13.	DATA SUBJECTS' RIGHTS REGARDING PERSONAL INFORMATION HELD BY THE NMBMM	20
14.	ACCESS TO THIS MANUAL.....	22
15.	UPDATING OF THE MANUAL.....	23

PREFACE

1. The Nelson Mandela Bay Metropolitan Municipality (hereinafter “the NMBMM”) is a metropolitan municipality in South Africa located on the shores of Algoa Bay in the Eastern Cape Province. The NMBMM serves as an administrative area covering Gqeberha (formerly Port Elizabeth), the neighbouring towns of Kariega (formerly Uitenhage) and Despatch, and the surrounding agricultural areas.
2. It is a major seaport and automotive manufacturing centre. The NMBMM boasts of a multibillion-dollar industrial development complex (the Coega Industrial Development Zone). The NMBMM further has two ports (Gqeberha Harbour and Ngqura) which creates an opportunity for the establishment of a strong and vibrant maritime sector.
3. The current population of the NMBMM is estimated at 1.25 million, which constitutes about 19% of the total population of the Eastern Cape (STATSA, 2020). The Municipality has a total of 359 412 households, with an average household size of 3.5 persons (STATSA, 2019).
4. 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.”
5. 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 NMBMM recognizes the importance of transparent governance in a democratic society.
6. The NMBMM – 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.
7. This manual seeks to provide guidance to the public in relation to what information is held by the NMBMM, as well as how to gain access thereto.

1. ACRONYMS, ABBREVIATIONS AND DEFINITIONS

- | | | |
|-----|-------------------------------|--|
| 1.1 | “NMBMM” | Nelson Mandela Bay Metropolitan Municipality |
| 1.2 | “Data Subject” | A person to whom Personal Information relates; |
| 1.3 | “Guide” | Refers to the publication produced by the South African Human Rights Commission in terms of section 10 of PAIA for the purposes of reasonably assisting a person who wishes to exercise any right in terms of PAIA; |
| 1.4 | “IO” | Information Officer; |
| 1.5 | “DIO” | Deputy Information Officer; |
| 1.6 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000; |
| 1.7 | “Personal Information” | <p>Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—</p> <ul style="list-style-type: none">- 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;

1.8	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.9	“Record”	Any recorded information, regardless of form, which is under the control of NMBMM, whether it was created by NMBMM or not;
1.10	“Regulator”	Information Regulator;
1.11	“Request”	A request for access to a Record of NMBMM;
1.12	“Requester”	Any person making a Request for access to a Record of NMBMM and includes any person acting on behalf of that person or Requestor;

2. THE PURPOSE OF THIS PAIA MANUAL

This purpose of this Manual is to allow the general public to -

- 2.1 check the nature of the records which may already be available at NMBMM, without the need for submitting a formal request;
- 2.2 have an understanding of how to make a request for access to a Record held by NMBMM;
- 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 become aware of the remedies available regarding requests for access to the records prior to approaching the Regulator or the Courts;
- 2.5 obtain a description of the information available to members of the public from NMBMM and how to gain access thereto;
- 2.6 understand the purpose of processing of personal information by NMBMM, accompanied with a description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know whether NMBMM 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
- 2.8 know whether NMBMM 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 NMBMM

3.1 The NMBMM is a Category A municipality as envisaged by section 155 (1)(a) of the Constitution. In terms of section 152 of the Constitution, the following is NMBMM's objects:

- 3.1.1. To provide a democratic and accountable government for local communities;
- 3.1.2. To ensure the provision of services to communities in a sustainable manner;
- 3.1.3. To promote social and economic development;
- 3.1.4. To promote a safe and healthy environment; and
- 3.1.5. To encourage the involvement of communities and community organisations in the matters of local government.

3.2 To meet these constitutional imperatives, the NMBMM takes on the following principal responsibilities:

- 3.2.1. To provide a democratic and accountable government without favour or prejudice;
- 3.2.2. To encourage the involvement of the local community;
- 3.2.3. To provide all members of the local community with equitable access to the municipal services that they are entitled to;
- 3.2.4. To plan at the local and regional level for the development and future requirements of the area;
- 3.2.5. To provide services and facilities, within the constitutional and legislative authority, that benefit residents, ratepayers and visitors to the geographical area of Nelson Mandela Bay;

3.3 The NMBMM seeks to fulfil its constitutional mandate through providing the following services:

Directorate	Services
Corporate Services	• Administrative Services • Asset Management • Consultancy Services • Corporate HR Services • Facilities Management • Labour Relations

	• Municipal Information Systems • Human Resources • Transformation • Management Services • Office of the Speaker
Economic Development, Tourism and Agriculture	• Sector Development • Special Projects • Trade and Investment • Fresh Produce Market and Urban Agriculture
Sports, Recreation, Arts and Culture	• Beaches, Resorts and Support Services • Libraries, Arts and Culture • Nelson Mandela Metropolitan Art Museum • Red Location Museum • Sports and Recreation
Electricity and Energy	• Distribution • Technical Services • Projects • Retail and Commercial Management
Human Settlements	• Development and Support • Housing Delivery • Land Planning and Management • Social Development, Education and Administration
Infrastructure and Engineering	• Design and Implementation • Special Projects and Strategic Operations • Roads, Stormwater and Transportation • Support Services • Water and Sanitation • Integrated Public Transport Services
Public Health	• Administration • Environmental Health • Environmental Management • Occupational Health, Safety and Wellness • Parks and Cemeteries • Waste Management • HIV/AIDS and TB Multisectoral Response
Safety and Security`	• Disaster Management • Fire and Emergency Services • Security Services • Traffic and Licencing Services • Metro Police
Special Programmes	• Motherwell Urban Renewal Programme • Integrated Poverty Alleviation • Expanded Public Works Programme • Helenvale Urban Renewal Programme • Walmer Urban Renewal Programme • Technical and Operations Coordination

4. STRUCTURE OF THE NMBMM

4.1. Legislation

The organisational structure of the NMBMM 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.

4.2. Structure and Organogram

Annexure A, being an organogram, sets out the operational structure of the NMBMM.

4.3. Contact details of key offices of the NMBMM in relation to PAIA

4.3.1 Deputy Director: Governance & Corporate Affairs

Name: Monde Ganyaza
Tel: 041 505 4580
Email: mganyaza@mandelametro.gov.za
Fax number: 086 543 4950

4.3.2 Municipal Manager

Tel: 041 5063 208
Email: cm@mandelametro.gov.za

4.3.3 Chief Operating Officer

Tel: 041 5054 456
Email: cadmin@mandelametro.gov.za

4.3.4 Chief Financial Officer

Tel: 041 5061 201
Email: cfo@mandelametro.gov.za

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

5. REQUEST PROCEDURE:

- 5.1. 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.
- 5.2. 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.
- 5.3. A request for access to information held by the NMBMM commences with a section 18 of PAIA Form A request. This form is enclosed with this manual as Annexure B (also marked "FORM 2").
- 5.4. The request form must be accompanied by the prescribed request fee. Annexure C reflects all applicable fees payable in terms of PAIA. Proof of payment in respect of the request fee as set out in Annexure C must be submitted with every request.
- 5.5. The request must be made in writing on the prescribed form and must be forwarded to either of the following:
 - 5.4.1. **Postal address -**
The Municipal Manager
Information Officer
P.O. Box 116
Port Elizabeth
6000
 - 5.4.2. **Email -**
cm@mandelametro.gov.za &
mganyaza@mandelametro.gov.za

5.4.3. **Fax –**
 041 506 3424

- 5.6. 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 NMBMM.
- 5.7. In a case where a requester is requesting information on behalf of someone else, the capacity in which the request is being made must be indicated. Where a request is made on behalf of a person by their legal representative, a duly signed Power of Attorney must be submitted.
- 5.8. Where a request is made on behalf of a juristic person, the resolution which authorizes the requestor to make the request must be submitted.

6. APPLICABLE FEES

- 6.1. As stated, Annexure C sets out the fees payable in relation to PAIA requests for access to records held by the NMBMM. The fee payable consists of a request fee (payable prior to a decision is made in respect of the request) and an access fee (payable upon successful request).
- 6.2. A requester seeking access to a record containing personal information about that requestor is not required to pay a request fee. Fees are payable for any other request.
- 6.3. The payment of all applicable fees in respect of requests must be made to the following nominated bank account of the NMBMM:
- | | |
|-----------------|--|
| Bank: | ABSA |
| Account Holder: | Nelson Mandela Bay Metropolitan Municipality |
| Account Number: | 40 7953 3826 |
| Branch: | 632005 |
- 6.4. The requester may lodge an internal appeal or lodge an application to the court against payment of fees.

7. DECISION AND NOTICE

- 7.1. The Requester will be notified within 30 (thirty) calendar days of receipt of the Request of the IO / 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 Annexure C). 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 A 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 B request, enclosed herewith as Annexure E (also marked "FORM 4").
- 8.2. In terms of section 82 of the Local Government Municipal Systems Act, the Speaker 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. The applicant must provide reasons for the appeal as well as tender payment of the prescribed fee.
- 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 Speaker 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 Speaker fails to give notice of the decision on an internal appeal within the specified period, the internal appeal is deemed as dismissed.
- 8.14. Should the Requestor be aggrieved by the outcome of the Form B 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 or deemed notice, as the case may be.

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 vexatious, 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 jeopardise 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.

10. 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-
 - i. the Information Officer of every public body, and
 - ii. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 10.3.3. the manner and form of a request for-
 - i. access to a record of a public body contemplated in section 11; and
 - ii. access to a record of a private body contemplated in section 50;
- 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;
- 10.3.5. the provisions of sections 14 and 51 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 and 52 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 and 54 regarding fees to be paid in relation to requests for access; and
- iii. the regulations made in terms of section 92.

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 be obtained, upon request, from the Information Officer or directly from the [website](#) of the Regulator.

10.5. Annexure F (also marked “FORM 5”) is a complaint form designed to assist the Requester in requesting a review of the NMBMM’s response or non-response to a request.

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 NMBMM’s website (www.nelsonmandelabay.gov).

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

11.4. Categories of Records which are automatically available:

11.4.1. **NMBMM’s Organisational Structure**

Organogram; Corporate Identity; Contact Details.

- 11.4.2. **Municipal By-Laws & Policies.**
- 11.4.3. **Budget Documents**
Adjustment budget; Annual budget; Budget strategy.
- 11.4.4. **Performance Documents**
Mid-Term reports; Oversight Reports; Performance Contracts;
Annual Reports.
- 11.4.5. **Expenditure Documents**
Asset Disposal; Banking Service; Long-Term Borrowing
Contracts; Section 71 reports.
- 11.4.6. **Procurement**
Tenders – formal & informal; Tenders – Request for Quotations.
- 11.4.7. **Agendas and Minutes**
Council agendas; Bid Adjudication Committee Agendas; Standing
Committee Agendas.
- 11.4.8. **Strategy Documents**
IDP; BEPP; SDBIP; Water Master Plan; Housing Sector Plan.
- 11.4.9. **Tariffs**
Tariffs, fees, surcharges, etc.
- 11.4.10 **Publications**
All publications by and on behalf of the NMBMM which has been
made public or presented to council and in which no copyright is
held by persons or bodies not connected with the municipality;
Bay News.
- 11.4.11 **Planning**
Zoning and structure plans; Policies and policy plans; Individual
zonings and conditions; Register of approved departures and
consent uses; Documentation relating to town planning
applications.

11.4.12

Land

Property records, only to owners of land (if available); details of municipal owned land.

12. MAIN FILES: CATEGORIES OF RECORDS HELD BY NMBMM WHICH ARE AVAILABLE PER SUCCESSFUL REQUEST

12.1. Directorate: Office of the Chief Operating Officer

Main Files:

- Strategic Planning and Coordination
- Legal Services
- Policy, Strategy and Research
- Monitoring and Evaluation
- Risk Management
- External Relations
- Integrated Development Planning

12.2. Directorate: Economic Development, Tourism and Agriculture

Main Files:

- Agriculture
- Disasters
- Development and Planning
- Projects
- Tourism
- Automotive Industry
- Small Medium and Micro Enterprises – SMME
- Manufacturing
- Community Development
- Strategic economic development
- Trade and Investment
- Delegations and Trade missions
- Nelson Mandela Bay Business Centre
- Black Economic Empowerment
- Development Agencies / Initiatives
- Mandela Bay Development Agency
- Urban Renewal programmes
- Reports, Returns and Statistics

12.3. **Directorate: Electricity and Energy**

Main Files:

- Electricity
- Generation
- Turbines
- Energy
- Allotment Areas
- Purchasing
- Distribution
- Overhead Lines
- Major Lines
- Minor Lines
- Underground Cables
- Reticulation (Urban and Rural)
- Illumination
- Floodlights
- Meters

12.4. **Directorate: Corporate Services**

Main Files:

- Legislation
- Organisation and Control
- Staff
- Finance
- Domestic Supplies and Services
- Visits and Journeys
- Own Buildings, Accommodation and Grounds
- Supply Chain Management
- Reports, Returns and Statistics
- Publicity and Information
- Festivals and Social Matters
- Composition and Meetings of Bodies and Gatherings
- Legal Matters
- Licences, Permits and Trading Control
- Town Planning and Building Control
- Economic Planning and Development
- Essential Services
- Community Services

12.5. **Directorate: Infrastructure and Engineering**

Main Files:

- Support Services
- Water & Sanitation
- Design and Implementation
- Roads, Stormwater and Transportation
- IPTS

12.6. **Directorate: Human Settlements**

Main Files:

- Graphic Services
- Architectural Services
- Planning and Development
- Contracts
- Land Surveying

12.7. **Directorate: Sports and Recreation, Arts and Culture**

Main Files:

- Organisation and Control
- Events Management Committee
- Staff / Human Resources
- Finance
- Domestic Supplies and Services
- Supply Chain Management
- Publicity and Information
- Festivals and Social Matters
- Legal Matters
- Town Planning and Building Control
- Essential Services
- Community Services

13. DATA SUBJECTS' RIGHTS REGARDING PERSONAL INFORMATION HELD BY THE NMBMM

- 13.1 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.

- 13.2 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 NMBMM 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.
- 13.3 POPIA provides that a Data Subject may object, at any time, to the processing of Personal Information by NMBMM, 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.
- 13.4 A Data Subject may also request NMBMM 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 NMBMM is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 13.5 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.
- 13.6 The NMBMM is required to process and retain certain categories of Personal Information in performing its constitutional and statutory functions. However, the NMBMM 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. NMBMM will retain Personal Information only for as long as is necessary to accomplish NMBMM's functions or for as long as may be permitted or required by applicable law.

PERSONAL INFORMATION THAT MAY BE PROCESSED BY THE NMBMM

Categories of Data Subjects on who Personal Information may be processed by the NMBMM	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; 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; age; physical or mental health and well-being; disability; religion; conscience; beliefs; culture; language; biometric information of the person

14. ACCESS TO THIS MANUAL

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

14.1.1 English;

14.1.2 Afrikaans;

14.1.3 isiXhosa

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

14.2.1 on <https://www.nelsonmandelabay.gov.za>;

14.2.2 at the head office of the NMBMM for public inspection during normal business hours;

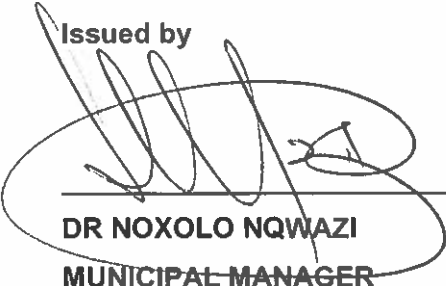
14.3 A fee for a copy of the Manual shall be payable per each A4-size photocopy made.

15. UPDATING OF THE MANUAL

15.1 The NMBMM will continually revise and update this manual in accordance with legislation and/or accepted practice.

15.2 The NMBMM further expressly states that this Manual is currently in the process of being revised and updated. As such, the NMBMM reserves its right to amend the information contained in this Manual.

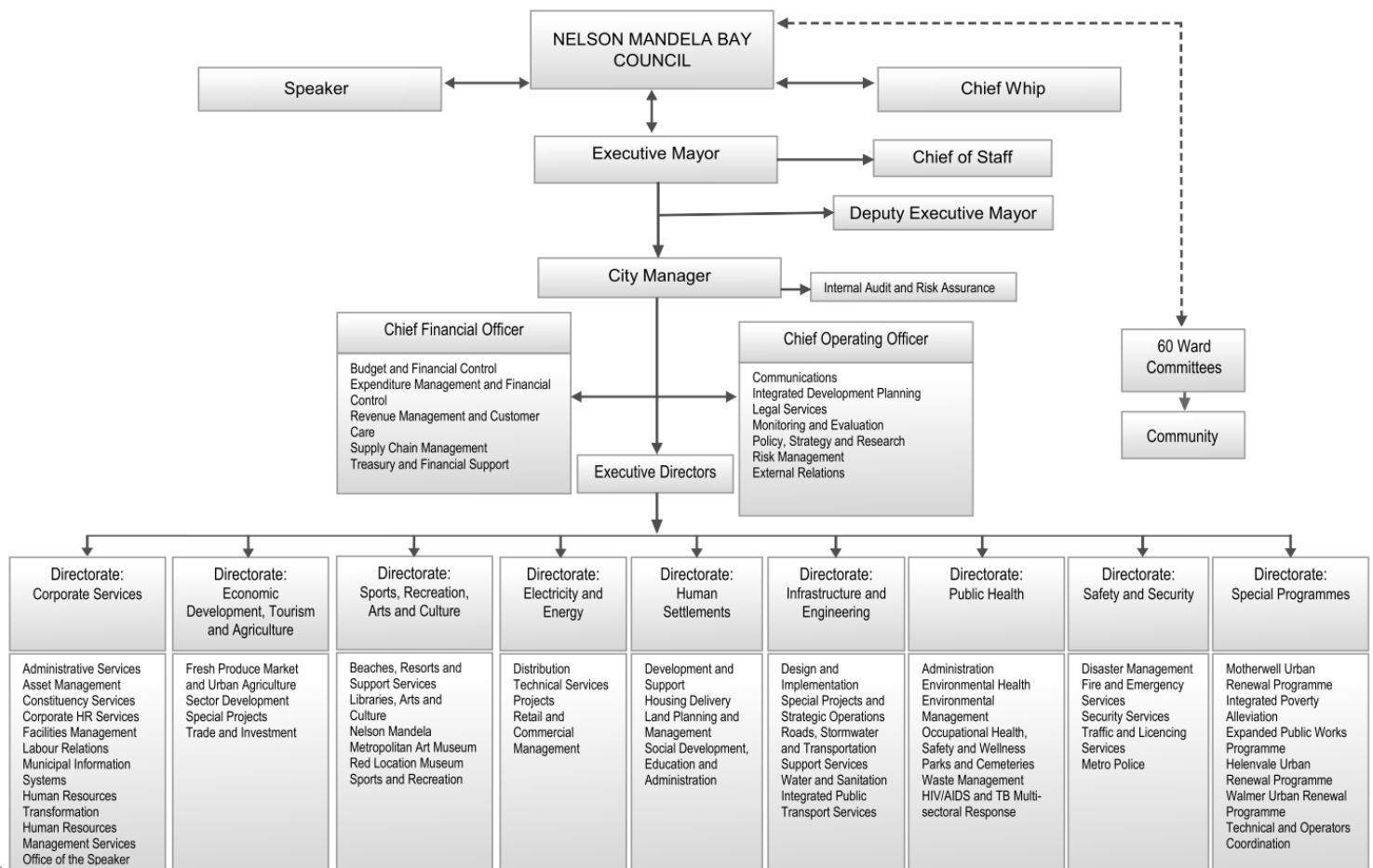
Issued by



DR NOXOLO NQWAZI
MUNICIPAL MANAGER
THE INFORMATION OFFICER

ANNEXURE A

ORGANISATIONAL STRUCTURE OF NELSON MANDELA BAY MUNICIPALITY (‘AS IS STRUCTURE’)



FORM 2: REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer
Dr Noxolo Nqwazi-mail
City Manager: Nelson Mandela Bay

E-Mail: cm@mandelametro.gov.za

CC TO: The Deputy Information Officer
Mr Monde Ganyaza

E-mail: mganyaza@mandelametro.gov.za

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made <i>(when made on behalf of another person)</i>				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made <i>(if applicable)</i> :				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD (Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
--	--

OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

--

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
-----------------	--	--	--

The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
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	
GROUND FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: (state rank, name and surname of Information Officer)				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes
				No
OUTCOME OF APPEAL				
Refusal of request for access. Confirmed?	Yes		New decision (if not confirmed)	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Extension (Sec 26(1)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)	
	No			

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority



INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information
and effective access to information

Address: JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001
P.O. Box 31533
Braamfontein, Johannesburg, 2017
Tel: 010 023 5200

Email: PAIAComplaints@infoRegulator.org.za

COMPLAINT FORM

FORM 5 [Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/infoegl>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT (Mark with an "X")

☐

Complainant Personally

☐

Representative of Complainant

☐

Third Party

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

FOR INFORMATION REGULATOR'S USE ONLY			
Received by: (Full names)			
Position			
Signature			
Complaint accepted	Yes		No
Reference Number			
Date stamp			

Postal address	Facsimile	Other electronic communication (Please specify)

PART A PERSONAL INFORMATION OF COMPLAINANT			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

PART B REPRESENTATIVE INFORMATION (Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)			
Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PART C THIRD PARTY INFORMATION (Please attach letter of authorisation)			
Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a complaint			
Postal Address			
Street Address			
E-mail Address			

Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
PART D				
BODY AGAINST WHICH THE COMPLAINT IS LODGED				
Type of body	Private		Public	
Name of public / private body				
Registration number (if any)				
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				
PART E				
COMPLAINT				
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>				
Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes		No	
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes		No	
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
PART F				
DETAILED TYPE OF ACCESS TO RECORDS				
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	I have appealed against the decision of the public body and the appeal is unsuccessful.			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.			

Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	
	<i>The tender or payment of a deposit.</i>	
Repayment of the deposit (Section 22(4) of PAIA)	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	
Form of access denied (Section 29(3) or 60(a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	
	<i>Extension period has expired and no response was received.</i>	
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	
No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	
Other (Please explain)		
PART G EXPECTED OUTCOME How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.		
PART H AGREEMENTS		

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

☐

I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

☐

The information in this Complaint Form is true to the best of my knowledge and belief.

☐

I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.

☐

I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

☐

If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party