



CAPE WINELANDS DISTRICT

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

ACCESS TO INFORMATION MANUAL OF THE CAPE WINELANDS DISTRICT MUNICIPALITY

Compiled in terms of the provisions of

**SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000
(ACT NO 2 OF 2000) (PAIA) AND TO ADDRESS THE REQUIREMENTS OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO 4 OF 2013)
(POPIA)**

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ABBREVIATIONS/ACRONYMS/DEFINITIONS

IDP	Integrated Development Plan
Operator	A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
PAIA	Promotion of Access to Information Act, 2000 (Act No 2 of 2000)
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, wellbeing, 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.

POPIA	Protection of Personal Information Act, 2013 (Act No 4 of 2013)
Responsible party	A public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

1. INTRODUCTION AND PURPOSE OF THE ACCESS TO INFORMATION MANUAL

1.1 This manual has been compiled for the Cape Winelands District Municipality and is a requirement in terms of section 14 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (“PAIA”) with the purpose to give effect to the public’s right of access to information from public and private bodies as contained in section 32 of the Constitution of the Republic of South Africa, 1996. One of the objectives of the Act is to promote transparency, accountability and effective governance. This objective forms part of the Cape Winelands District Municipality’s strategy to achieve developmental and participatory local government in the Western Cape. The municipality also strives to be accessible by, inter alia, providing information. The manual further incorporates and addresses the requirements of the Protection of Personal Information Act, 2013 (Act No 4 of 2013) (“POPIA”).

1.2 The purpose of the manual is to:

1.2.1 enable people to exercise their rights in terms of the Act;

1.2.2 create an understanding of the functions performed and records kept by the Cape Winelands District Municipality; and

1.2.3 assist in fostering a culture of transparency and accountability and to promote public participation.

1.3 The Cape Winelands District Municipality was established on 5 December 2000 by the merging of the previous Breërivier District Council and Winelands District Council into the Boland District Council (Provincial Gazette No 5590 of 22 September 2000), of which the name was changed to Cape Winelands District Municipality on 20 August 2004 (Extraordinary Provincial Gazette No 6160 of 20 August 2004).

- 1.4 Below is a map of the area of the Cape Winelands District Municipality, showing its boundaries.



Jurisdiction of the Cape Winelands District Municipality (DC2) that includes the local authorities of Stellenbosch, Drakenstein, Langeberg, Breede Valley and Witzenberg.

- 1.5 This manual can be used by members of the public to:
- 1.5.1 establish the nature of the records which may already be available at the Cape Winelands District Municipality, without the need for submitting a formal PAIA request;
 - 1.5.2 have an understanding of how to make a request for access to a record of the Cape Winelands District Municipality;
 - 1.5.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
 - 1.5.4 know all the remedies available from the Cape Winelands District Municipality regarding requests for access to the records, before approaching the Information Regulator or the courts;

- 1.5.5 have a description of the services available to members of the public from the Cape Winelands District Municipality, and how to gain access to those services;
- 1.5.6 have an outline of the description of how to use PAIA, as updated by the district municipality, and how to obtain access to it;
- 1.5.7 understand if and when the district municipality will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 1.5.8 know if the Cape Winelands District Municipality plans 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
- 1.5.9 know whether the Cape Winelands District Municipality has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information to be processed.

2. DESCRIPTION OF THE DISTRICT MUNICIPALITY'S STRUCTURE

- 2.1 The Cape Winelands District Municipality is an organ of state within the local sphere of government and was established in terms of Notice No P.N. 486 dated 22 September 2000, as amended.
- 2.2 The structure of the district municipality consists of a political and administrative structure.
- 2.3 The **political structure** comprises the district Council and various committees that have specific functional areas of which the Mayoral Committee is the principal committee.
- 2.3.1 The Council consists of 41 members of which 12 members are fulltime Councillors and 17 members are proportional representative (PR) Councillors who proportionally represent the parties contesting the election in the district municipality in terms of section 23(1)(a) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998).
- 2.3.2 The Speaker presides at meetings of the Council and performs the duties and exercises the powers referred to in the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998). One of the main functions of the Speaker is to ensure that Councillors comply with the Code of Conduct.
- 2.3.3 The Executive Mayor presides at meetings of the Mayoral Committee and performs the duties, including any ceremonial functions, and exercises the powers delegated by Council or the Mayoral Committee.
- 2.3.4 The Deputy Executive Mayor assists the Executive Mayor and presides when the Executive Mayor is not available.

2.4 The **administrative structure** comprises the Municipal Manager appointed in terms of section 57 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) and a staff establishment consisting of departments and divisions.

2.5 Local government functions in a constantly changing environment and therefore its structures and services may change. Council's vision, goals and strategic priorities are continuously reviewed. The current organisational structure is set out as follows, up to the second reporting level:

2.5.1 Office of the Municipal Manager

Municipal Manager – Henry Prins

Tel: 021 888 5130

E-mail: mm@capewineland.gov.za

Director: IDP, Performance and Risk Management – Bianca Daries

Tel: 021 888 5119

E-mail: bianca@capewineland.gov.za

Chief Audit Executive – Sharon Green

Tel: 021 888 5301

E-mail: sharon.green@capewineland.gov.za

Deputy Director: Legal Services – Sarah Sanders

Tel: 021 888 5219

E-mail: sarah.sanders@capewineland.gov.za

Deputy Director: Communications – Jo-Anne Otto

Tel: 021 888 5202

E-mail: Jo-Anne@capewineland.gov.za

2.5.2 Community Development and Planning Services

Executive Director: Community Development and Planning Services –
Pietie Williams

Tel: 021 888 5156

E-mail: pietie@capewinelands.gov.za

Director: Socio-Economic Development – Rhian van Wyk

Tel: 021 888 5146

E-mail: rhian@capewinelands.gov.za

Deputy Director: Municipal Health Services – Randall Humphreys

Tel: 023 348 2336

E-mail: humphreys@capewinelands.gov.za

Chief Fire Officer – Wayne Josias

Tel: 021 888 5822

E-mail: josias@capewinelands.gov.za

Deputy Director: Spatial Planning and Environmental Management –
Quinton Balie

Tel: 021 870 3209

E-mail: quinton@capewinelands.gov.za

Head of Municipal Disaster Management Centre – Shaun Minnies

Tel: 021 888 5847

E-mail: shaun@capewinelands.gov.za

2.5.3 Financial and Strategic Support Services

Chief Financial Officer – Fiona du Raan-Groenewald

Tel: 021 888 5277

E-mail: fiona@capewinelands.gov.za

Director: Budget and Treasury Office – Martin Lesch

Tel: 021 888 5153

E-mail: martinlesch@capewinelands.gov.za

Deputy Director: Supply Chain Management – Ronel Leo

Tel: 021 888 5299

E-mail: ronelp@capewinelands.gov.za

Director: Human Resources – Gail Julie

Tel: 021 888 5124

E-mail: gail@capewinelands.gov.za

Director: Support Services – Karina Smit

Tel: 021 888 5312

E-mail: karina@capewinelands.gov.za

2.5.4 Technical Services

Executive Director: Technical Services – Francois van Eck

Tel: 023 348 2380

E-mail: francois@capewinelands.gov.za

Director: Roads – Henry Maart

Tel: 021 888 5150

E-mail: Henry.Maart@capewinelands.gov.za

Deputy Director: Information and Communication Technology – Abdul Gabier

Tel: 021 888 5171

E-mail: agabier@capewinelands.gov.za

Deputy Director: Regulation of Passenger Transport Services – Chwayita Nkasela

Tel: 021 888 5210

E-mail: cnkasela@capewinelands.gov.za

Deputy Director: Projects – Christo Swart

Tel: 023 348 2381

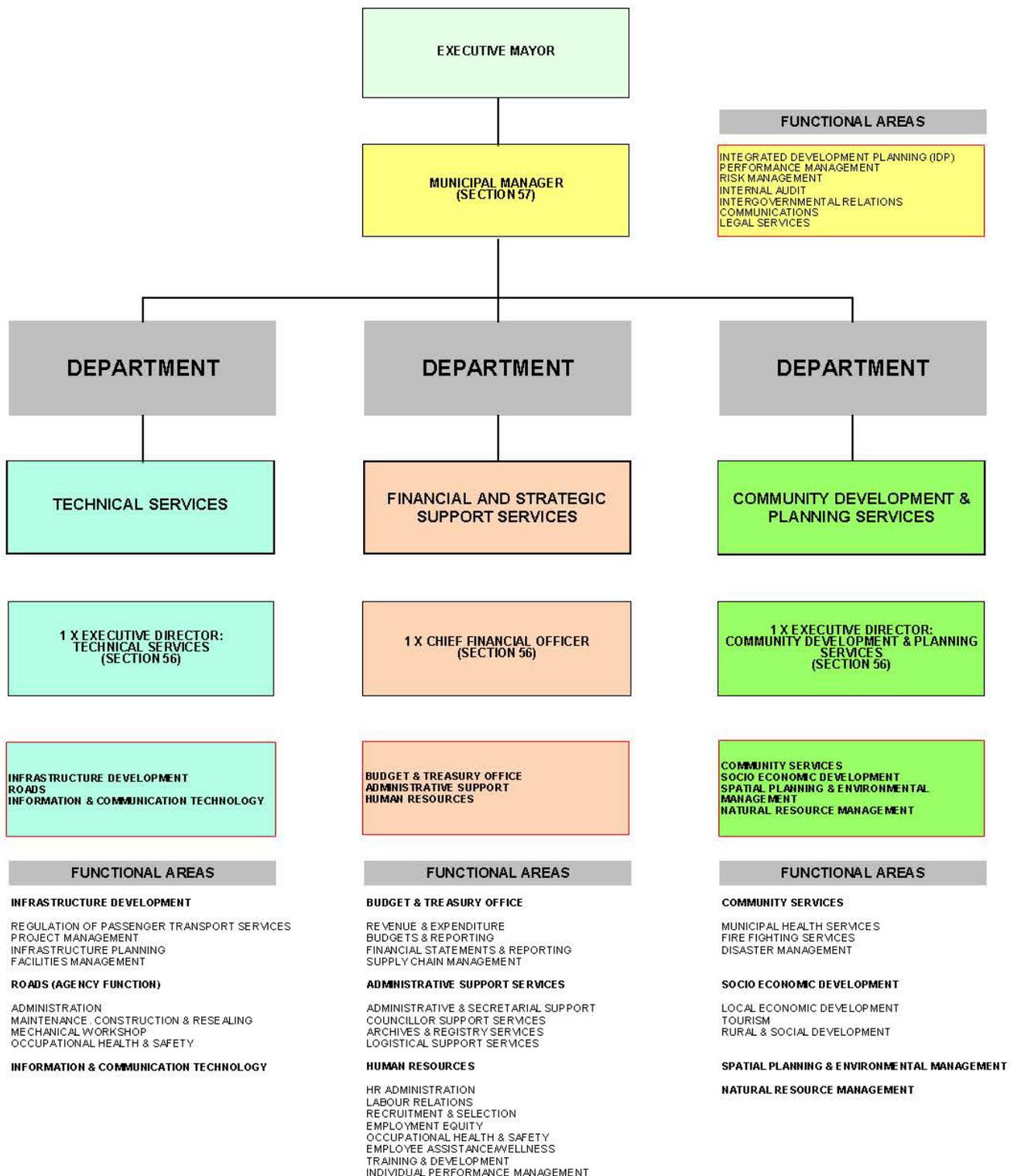
E-mail: christo@capewinelands.gov.za

Deputy Director: Facilities Management – Tommy Solomon

Tel: 021 888 5204

E-mail: thomas@capewinelands.gov.za

CWDM: MACRO STRUCTURE



3. THE INFORMATION REGULATOR

The Information Regulator –

- 3.1 is established in terms of section 39 of POPIA, which enjoins the Information Regulator to be independent and impartial, and to perform its functions and exercise its powers without fear, favour or prejudice;
- 3.2 is accountable to the National Assembly;
- 3.3 is responsible for the promotion and protection of the right to privacy as it relates to the protection of personal information and the right of access to information;
- 3.4 exercises its powers and performs its functions in accordance with POPIA and PAIA;
- 3.5 derives its constitutional mandate from section 14 (the right to privacy) and section 32 (the right of access to information) from the Constitution of the Republic of South Africa, 1996; and
- 3.6 has the primary objective to promote the protection of personal information processed by any person and the promotion of the right of access to any information held by public and private bodies.

If a person wishes to obtain further information, he or she should contact:

The Information Regulator (South Africa)

JD House

27 Stiemens Street

Braamfontein

JOHANNESBURG

2001

Telephone number: 010 023 5200

E-mail: PAIA.IR@justice.gov.za

4. DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER

The contact details of the Cape Winelands District Municipality's Information Officer and Deputy Information Officer are listed below:

4.1 Information Officer

Mr HF Prins (Municipal Manager)

STREET ADDRESS: 46 Alexander Street, Stellenbosch 7600

POSTAL ADDRESS: PO Box 100, Stellenbosch 7599

TELEPHONE NUMBER: 021 888 5130

FAX NUMBER: 021 887 3451

E-MAIL ADDRESS: mm@capewinelands.gov.za
paia@capewinelands.gov.za

4.2 Deputy Information Officer

Ms K Smit (Director: Support Services)

STREET ADDRESS: 46 Alexander Street, Stellenbosch 7600

POSTAL ADDRESS: PO Box 100, Stellenbosch 7599

TELEPHONE NUMBER: 021 888 5312 / 023 348 2317

FAX NUMBER: 023 342 8442

E-MAIL ADDRESS: admin@capewinelands.gov.za
paia@capewinelands.gov.za



**INFORMATION
REGULATOR
(SOUTH AFRICA)**
*Ensuring protection of your personal information
and effective access to information*

REGISTRATION CERTIFICATE

Registration Number: 2374/2021-2022/IRRTT

This is to certify that **Henry Prins and Karina Smit** have been registered with the Information Regulator by **Local** as the Information Officer and Deputy Information Officer respectively, in terms of section 55(2) of the Protection of Personal Information Act 4 of 2013 with effect from 18 May 2021.



**Chief Executive Officer
INFORMATION REGULATOR**

*Ensuring protection of your personal
information and effective access to information*

NB: Please note that it is your responsibility to ensure that the particulars of an Information Officer and/or Deputy Information Officer(s) are correct and updated on an annual basis or as and when it becomes necessary.

4.4 Designation and delegation of authority to the Deputy Information Officer in terms of section 56 of the Protection of Personal Information Act, 2013 (Act No 4 of 2013) (POPIA) and section 17(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (PAIA)



DESIGNATION AND DELEGATION OF AUTHORITY TO THE DEPUTY INFORMATION OFFICER IN TERMS OF SECTION 56 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) (PoPIA) AND SECTION 17(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000) (PAIA)

I, the undersigned, Henry Frederick Prins, in my capacity as Municipal Manager of the Cape Winelands District Municipality, hereby designate Karina Smit, Director: Support Services, as Deputy Information Officer of the Cape Winelands District Municipality with effect from 1 July 2021.

Furthermore, I hereby delegate to Karina Smit the following powers and responsibilities, as conferred or imposed on me by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (PoPIA) and the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA) and the Regulations Relating to the Protection of Personal Information, 2018):

- encourage and ensure overall compliance with PAIA;
- develop, update, monitor, maintain and make available a PAIA manual for the Cape Winelands District Municipality as prescribed in terms of POPIA and PAIA;
- develop, implement and monitor a compliance framework;
- ensure that a personal information impact/risk assessment is performed to guarantee that adequate measures and standards exist within the Cape Winelands District Municipality;
- assess, evaluate and approve requests for access to information received in terms of the grounds set out PAIA, and to provide outcomes within the applicable timeframes constraint or any extended period.
- ensure compliance by the Cape Winelands District Municipality with the provisions of POPIA as well as the conditions for the lawful processing of personal information in terms of POPIA;
- deal with requests made to the Cape Winelands District Municipality in terms of POPIA by the Information Regulator and/or data subjects;
- work with the Information Regulator in relation to investigations conducted in relation to the Cape Winelands District Municipality in accordance with the relevant provisions of POPI; and
- ensure that a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;
- ensure that a manual is developed, monitored, maintained, and made available;
- develop internal measures and adequate systems to process requests for information or access thereto; and

- ensure that internal awareness sessions are conducted regarding the provisions of PoPIA, the PoPIA Regulations and any codes of conduct or information obtained from the Regulator.

Please be advised that I reserve the right to exercise any of the powers, duties and responsibilities conferred herein, as well as the right to amend and/or withdraw any of those powers, duties and responsibilities.



Signature of Delegator
(Information Officer)



Signature of Designated
Official

14 April 2021

Date

2021/04/14

Date

5. FUNCTIONS OF THE CAPE WINELANDS DISTRICT MUNICIPALITY AND SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

5.1 DESCRIPTION OF THE DISTRICT MUNICIPALITY'S FUNCTIONS

5.1.1 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.

5.1.2 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:

5.1.2.1 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.

5.1.2.2 Municipal Health Services.

5.1.2.3 Firefighting services serving the area of the district municipality as a whole, which include –

- (a) planning, coordination and regulation of fire services;
- (b) specialised firefighting services such as mountain, veld and chemical fire services;
- (c) coordination of the standardisation of infrastructure, vehicles, equipment and procedures; and
- (d) training of fire officers.

5.1.2.4 Promotion of local tourism for the area of the district municipality.

- 5.1.2.5 Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.
- 5.1.2.6 The receipt, allocation and, if applicable, the distribution of grants made to the district municipality.
- 5.1.2.7 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.
- 5.1.3 The district municipality finances its functions and powers through a Regional Services Council Levy Replacement Grant from the national Department of Finance.

5.2 DESCRIPTION OF SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

As a broad description, the district municipality at present renders the following services:

- 5.2.1 Office of the Municipal Manager
 - (a) Performance and Risk Management
 - (b) Integrated Development Plan
 - (c) Internal Audit
 - (d) Communications
 - (e) Legal Services
- 5.2.2 Community Development and Planning Services
 - (a) Disaster Management
 - (b) Fire Services
 - (c) Municipal Health Services
 - (d) Local Economic Development
 - (e) Rural and Social Development Programmes
 - (f) Tourism
 - (g) Spatial Planning and Environmental Management

5.2.3 Financial and Strategic Support Services

- (a) Revenue and Expenditure
- (b) Supply Chain Management
- (c) Financial Statements and Reporting
- (d) Budgets and Reporting
- (e) Administrative Support Services
- (f) Logistical Support Services
- (g) Councillor Support Services

5.2.4 Technical Services

- (a) Roads
- (b) Mechanical Workshop
- (c) Facilities Management
- (d) Information and Communication Technology
- (e) Project Management
- (f) Occupational Health and Safety
- (g) Regulation of Passenger Transport Services

6. DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE CAPE WINELANDS DISTRICT MUNICIPALITY

The Cape Winelands District Municipality holds the following records:

SUBJECT	CATEGORIES
Legislation	Parliamentary Legislation and Regulations
	Provincial Legislation and Regulations
	Council By-laws and Regulations
Organisation and Control	Delegation of Powers
	Management Meetings
	Record Control
	Filing System
	Disposal of Records
	Integrated Development Planning
	Plans of Municipalities
	Sectoral Plans
	Performance Management System
	Departments
Own Council and Council Matters	Elections
	Meetings
	Standing Orders
	Members' Matters
Personnel	Posts Control
	Determination of Conditions of Service
	Vacancies and Appointments
	Training and Qualifications
	Financial
	Retirement
	Labour Relations
	Personnel Control
	Performance Management
	Personnel Returns and Statistics
	Occupational Health and Safety
	Skills Development
Employment Equity	

SUBJECT	CATEGORIES
Finance	Budget
	Valuations
	Rates and Regional Levies
	Loans
	Tariffs/Service Charges
	Subsidies and Grants Received
	Funds and Levies
	Investments
	Claims
	Settlement of Accounts
	Councillor Remuneration
	Collection of Monies
	Insurance
	Accountability
	Financial Aid
	Losses
Banking Services	
Returns, Reports and Statistics	
Domestic Supplies, Services and Transport	Domestic Supplies
	Domestic Services
	Transport
Buildings and Sites	Buildings and Grounds
	Acquisition
	Utilisation and Maintenance
	Alienation
Tenders, Quotations and Contracts	Main Files
	Specific Tenders and Quotations
	Specific Contracts
Reports and Returns	Internal Reports and Returns
	External Reports and Returns
Advertising and Information	Own Advertising and Information
	Advertising and Information of other Institutions

SUBJECT	CATEGORIES
Festive and Social Events	Social Relations
	Other Receptions and Functions
	Acknowledgements, Congratulations and Condolences
Composition and Meetings of Associations and Other Bodies	Agendas, Minutes, Reports and Circulars
	National and Provincial
	Regional and Local
Administration of Justice	Legal Opinions and Court Rulings
	Claims
	Prosecutions and Law Enforcement
Licences, Certificates and Permits	Applications and Issuing
	Licences
	Certificates
	Permits
Regional Planning and Control	Demarcation
	Regional Planning
	Building Control
Essential Services	Roads and Streets
	Public Transport
	Water
	Sewerage
	Sanitation
	Electricity
	Cemeteries
	Solid Waste
Community Services	Municipal Health Services
	Primary Healthcare Services
	Housing
	Disaster Management
	Fire Services
	Policing
	Local Economic Development
	Nature and Environmental Conservation
	Sport and Recreation
	Welfare and Social Services

7. CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE

The following records of the Cape Winelands District Municipality are automatically available without a person having to formally request access in terms of section 15(2) of the Promotion of Access to Information Act, 2002 (Act No 2 of 2000):

- 7.1 Municipal legislation, including the –
 - 7.1.1 Promotion of Access to Information Act, 2002 (Act No 2 of 2000)
 - 7.1.2 Promotion of Access to Information Amendment Act, 2002 (Act No 54 of 2002)
 - 7.1.3 Protection of Personal Information Act, 2013 (Act No 4 of 2013)
 - 7.1.4 Promotion of Access to Information Amendment Act, 2019 (Act No 31 of 2019)
 - 7.1.5 Political Party Funding Act, 2018 (Act No 6 of 2018)
- 7.2 By-laws
- 7.3 Regulations, including –
 - 7.3.1 Government Notice R. 187 in GG 23119 of 15 February 2002
 - 7.3.2 Government Notice R. 1244 of 22 September 2003
 - 7.3.3 Government Notice R. 991 in GG 28107 of 14 October 2005
 - 7.3.4 Government Notice R. 990 of 13 October 2006
 - 7.3.5 Government Notice R. 466 of 1 June 2007
 - 7.3.6 Government Notice 1222 in GG 39504 of 11 December 2015
 - 7.3.7 Government Notice 1217 in GG 42717 of 19 September 2019
 - 7.3.8 Government Notice R. 1284 in GG 42740 of 4 October 2019
 - 7.3.9 GG 42110, RG 10897, GN 1383 of 14 December 2018 (POPIA: Regulations)

- 7.4 The PAIA Complaints Form to the Regulator and the PAIA Request for Access to Records Form.
- 7.5 Policies, guidelines, code of conduct and guidance notes, including PAIA Guide, PAIA Manual, policies on website, notices and exemptions.
- 7.6 Strategic documents (plans and reports), including organisational profile (overview, objectives, functions, organogram, staff establishment), annual reports, annual performance plan, strategic and performance plans.
- 7.7 Municipal legislation, by-laws and policies.
- 7.8 Delegations.
- 7.9 Terms of Reference for Committees and the Charter of Roles and Responsibilities of Members of the Audit and Performance Committee.
- 7.10 Times, venues, agendas and minutes of meetings of the Council, the executive and other committees excluding minutes and agendas marked 'confidential'.
- 7.11 Information regarding meetings of the municipal Council.
- 7.12 Integrated Development Plan.
- 7.13 Business plans.
- 7.14 Budget and tariffs, levies, fees, etc.
- 7.15 Auditor-General reports.
- 7.16 Tender registers.
- 7.17 Councillor information.

8. REQUEST PROCEDURE FOR ACCESS TO RECORDS

8.1 Formal request

8.1.1 If a person wishes to make a request for access to a record of the Cape Winelands District Municipality in terms of the provision of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), a written request must be made to the Information Officer whose contact information is listed in paragraph 4 of this manual.

8.1.2 The request must be completed on Form 2 as prescribed in Government Gazette 45057 of 27 August 2021 (Government Notice R. 757), which is included in this manual as Annexure "A".

8.1.3 The Information Officer will render reasonable assistance in completing the application form and explaining the process.

8.1.4 A person means a natural person or a juristic person.

8.1.5 A partnership is not a person and may not be given access to information.

8.2 Informal request

8.2.1 A person who is illiterate or otherwise unable to make a request for access to a record because of a disability may make an oral request.

8.2.2 The Information Officer or the Deputy Information Officer must assist the requester with putting the request in writing on the required form and provide a copy of the written request to the requester.

8.2.3 The Information Officer must also assist a person who requires reasonable assistance free of charge.

8.3 Language

- 8.3.1 The language in which the requester wishes to obtain the record must be stated by the requester.
- 8.3.2 If the record is not available in the language preferred by the requester, access may be granted in the language in which the record is available.

8.4 Application

The application should provide enough information to enable the Information Officer to identify:

- 8.4.1 the records requested, including a description of the record, a reference number and any further particulars on the record; and
- 8.4.2 the requester, including all contact information.

8.5 Form of access

The information should also enable the Information Officer to identify the form of access required by the requester, for instance:

- 8.5.1 whether the requester wishes to make a copy of a written or printed record or inspect the record;
- 8.5.2 whether the requester wishes to view or copy visual images, which may be photographs, slides, video recordings, computer generated images or sketches or to obtain a transcription of the images;
- 8.5.3 whether the requester wishes to listen to a soundtrack or obtain a written or printed transcription of the soundtrack; or
- 8.5.4 whether the requester wishes to obtain a printed copy of a computer or an electronic or machine readable form derived from the aforesaid.

8.6 Fees

- 8.6.1 The application form must be accompanied by the prescribed search fee listed in Annexure “C” of this manual.
- 8.6.2 A person who is seeking information about himself or herself does not have to pay the initial fee, while a requester other than a personal requester has to pay an initial fee of R100 for a record.
- 8.6.3 All requesters, except those who are exempted in terms of section 22(8)(a) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), must pay the required fees to obtain a record.

8.7 Reasonable time

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

8.8 Where a record is not under the control or in the possession of the Cape Winelands District Municipality

- 8.8.1 The Information Officer may transfer a request where a record is not under the control or in the possession of the Cape Winelands District Municipality or where the subject matter is more closely connected with the functions of another public body or where the record contains commercial information in which another public body has a greater interest.
- 8.8.2 The request will be transferred as soon as reasonably possible, but in any event within FOURTEEN (14) days after the request is received.
- 8.8.3 The Information Officer must notify the requester of the transfer as well as the reasons for the transfer and the period within which the request must be addressed.

8.9 If a record is no longer available or cannot be found

If information is no longer available or cannot be found and all reasonable steps have been taken to find such a record, the Information Officer must by way of an affidavit of affirmation notify the requester accordingly.

8.10 If a record is not yet available

Access may be deferred where a record is not yet available and the requester will be notified accordingly.

8.11 If access is granted

8.11.1 The Information Officer must decide within 30 (THIRTY) days whether to grant the request.

8.11.2 If access is granted, a notice must be sent to the requester stating the following:

- (a) The access fee, if any, that must be paid upon being granted access.
- (b) The form in which access will be given.
- (c) That the requester may lodge an internal appeal with the Cape Winelands District Municipality or an application with a court against the access fee to be paid or the form in which access is to be granted.

8.12 If access is refused

If access to the record is not granted, the notice by the Information Officer or Deputy Information Officer must give adequate reasons for the refusal, excluding any reference to the content of the record and stating that the requester may lodge an internal appeal with the district municipality or an application with a court against the refusal of the request and the procedure to lodge an internal appeal or application.

8.13 Extension of time

8.13.1 The Information Officer or Deputy Information Officer may extend the period of THIRTY (30) days in which to decide on the request if:

- (a) it is for a large number of records and compliance would unreasonably interfere with the activities of the Cape Winelands District Municipality;
- (b) it requires a search of a collection of records in an office not situated in the same town or city as the Information Officer and the Information Officer cannot reasonably be expected to complete the request within the initial THIRTY (30) days;
- (c) consultations with other departments of the Cape Winelands District Municipality or with another public body are necessary or desirable and the Information Officer cannot reasonably be expected to complete the consultations within the initial THIRTY (30) days; or
- (d) the requester consents in writing to the extension.

8.13.2 If a period is extended, the Information Officer must within THIRTY (30) days after the request is received, notify the requester of that extension and the reasons therefor.

8.13.3 The notice must state the period of extension as well as adequate reasons for the extension.

8.13.4 The notice must also state that the requester may lodge an application with a court against the extension and the procedure (including the period) for lodging the application.

9. HOW TO OBTAIN ACCESS TO THE MANUAL

- 9.1 A copy of this manual is available in the three (3) official languages of the Western Cape Province.
- 9.2 Members of the public can inspect the manual during normal working hours at the contact points mentioned under clause 9.4.
- 9.3 The manual can also be obtained upon submitting a request to the Information Officer or from the website of the CWDM (<https://www.capewinelands.gov.za>).
- 9.4 All requests for access to information must go through the Information Officer. However, to provide information about services to the public, the following contact points are provided:

STELLENBOSCH

46 Alexander Street	Telephone:	0861 265 263
STELLENBOSCH	Fax:	021 887 2271
7600	E-mail:	bongiwep@capewinelands.co.za

WORCESTER

51 Trappes Street	Telephone:	0861 265 263
WORCESTER	Fax:	023 342 8442
6850	E-mail:	admin@capewinelands.gov.za

PAARL

194 Main Street	Telephone:	0861 265 263
PAARL	Fax:	021 872 1277
7646	E-mail:	myrtler@capewinelands.co.za

CERES

27 Munnik Street
CERES
6835

Telephone: 0861 265 263
Fax: 023 312 3177
E-mail: christelle@capewinelands.gov.za

ROBERTSON

40 Van Reenen Street
ROBERTSON
6704

Telephone: 0861 265 263
Fax: 023 626 5059
E-mail: admin@capewinelands.gov.za

MONTAGU

50A Bath Street
MONTAGU
6720

Telephone: 023 614 2380
Fax: 023 614 1548
E-mail: elrina@capewinelands.gov.za

10. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE CAPE WINELANDS DISTRICT MUNICIPALITY

10.1 The Cape Winelands District Municipality recognises the need to maintain continual engagement with the public. The municipality requires the expertise and input of civil society to optimise the process of strategy development. The public also plays a vital role in the monitoring of municipal performance, and ensuring the accountability of the Cape Winelands District Municipality.

10.2 To integrate the public in the development and review of the Integrated Development Plan, the Cape Winelands District Municipality developed a Process Plan for public consultation. The Process Plan specifies timeframes for the Integrated Development Plan annual review process, and identifies target groups to be consulted in civil society.

10.3 Public participation in a local government context is governed by the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) and the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998). The purpose of the public participation process is to ensure that the Cape Winelands District Municipality as well as the broader community co-own the public participation process and the end product.

10.4 The Cape Winelands District Municipality may use the following methods to engage in public participation:

10.4.1 Distribution of documents in public places for comment

10.4.2 Surveys

10.4.3 Newspaper advertisements

10.4.4 Formal public hearings

10.4.5 Public meetings

- 10.5 In the exercise of its powers or performance of its duties in terms of PAIA and POPIA, the public is from time-to-time invited to make representations or to participate or influence the development of regulations, codes of conduct and guidelines.
- 10.6 Members of the public can, at any time, make representations to the Cape Winelands District Municipality regarding the conduct of any person that falls within the jurisdiction of the district municipality's mandate.
- 10.7 Members of the public are also encouraged to submit proposals for the development of a code of conduct or any legislative reform or representations on any matter affecting the personal information of a data subject.
- 10.8 The public is further encouraged to participate in public consultation and stakeholder engagements arranged by the Cape Winelands District Municipality.
- 10.9 The platform utilised for public participation may either be through public hearings (physical or virtual), e-mail or written submissions.
- 10.10 The input and submissions of members of the public are considered intensively during the formulation of the regulations, guidelines and codes of conduct.
- 10.11 The Cape Winelands District Municipality disseminates information to the public via electronic and print media, the government gazette as well as social media.

11. PROCESSING OF PERSONAL INFORMATION

11.1 Personal information that is processed by the Cape Winelands District Municipality

11.1.1 Chapter 3 of the Protection of Personal Information Act, 2013 (Act No 4 of 2013) (“POPIA”) provides for the minimum conditions for lawful processing of personal information by a responsible party.

11.1.2 These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

11.1.3 The Cape Winelands District Municipality needs personal information of both natural and juristic persons in order to carry out its business and organisational functions.

11.1.4 The manner in which this personal information is processed and the purpose for which it is processed are determined by the Cape Winelands District Municipality.

11.1.5 The Cape Winelands District Municipality is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

- (a) is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data are collected by the Cape Winelands District, in the form of privacy or data collection notices. The Cape Winelands District Municipality must also have a legal basis (for example, consent) to process personal information;
- (b) is processed only for the purposes for which it was collected;
- (c) will not be processed for a secondary purpose unless that processing is compatible with the original purpose;

- (d) is adequate, relevant and not excessive for the purposes for which it was collected;
- (e) is accurate and kept up to date;
- (f) will not be kept for longer than necessary;
- (g) is processed in accordance with integrity and confidentiality principles. This includes physical and organisational measures to ensure that personal information in both physical and electronic form is subject to an appropriate level of security when stored, used and communicated by the Cape Winelands District Municipality, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- (h) is processed in accordance with the rights of data subjects, where applicable. Data subjects have the right to:
 - (i) be notified that their personal information is being collected by the Cape Winelands District Municipality;
 - (ii) be notified in the event of a data breach;
 - (iii) know whether the Cape Winelands District Municipality holds personal information about them and to access that information, and any request for information must be handled in accordance with the provisions of this manual;
 - (iv) request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;

- (v) object to the Cape Winelands District Municipality's use of their personal information and request the deletion of such personal information (deletion would be subject to the Cape Winelands District Municipality's recordkeeping requirements);
- (vi) object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
- (vii) complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her or its personal information.

11.2 Purpose of processing personal information

- 11.2.1 As outlined above, personal information may only be processed for a specific purpose.
- 11.2.2 The purposes for which the Cape Winelands District Municipality processes or will process personal information is set out in Part 1 of Appendix 2.

11.3 Categories of data subjects and personal information/special personal information relating thereto

- 11.3.1 As per section 1 of POPIA, a data subject may either be a natural or a juristic person.
- 11.3.2 Part 2 of Appendix 2 sets out the various categories of data subjects that the Cape Winelands District Municipality processes personal information on and the types of personal information relating thereto.

11.4 Recipients of personal information

Part 3 of Appendix 2 outlines the recipients to whom the Cape Winelands District Municipality may provide a data subject's personal information.

11.5 Cross-border flows of personal information

11.5.1 Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if the:

- (a) recipient country can offer such data an 'adequate level' of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA;
- (b) data subject consents to the transfer of their personal information;
- (c) transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party;
- (d) transfer is necessary for the performance of a contractual obligation between the responsible party and a third party, in the interests of the data subject; and
- (e) the transfer is for the benefit of the data subject and it is not reasonably practicable to obtain the consent of the data subject and, if it was, the data subject would in all likelihood provide such consent.

11.5.2 Part 4 of Appendix 2 sets out the planned cross-border transfers of personal information.

11.5.3 Notwithstanding clauses 11.5.1 and 11.5.2 above, the Cape Winelands District Municipality does not intend to transfer any personal information of data subjects cross-border.

11.6 Description of information security measures to be implemented by the Cape Winelands District Municipality

11.6.1 Part 5 of Appendix 2 sets out the types of security measures to be implemented by the Cape Winelands District Municipality in order to ensure that personal information is respected and protected.

11.6.2 A preliminary assessment of the suitability of the information security measures implemented or to be implemented by the Cape Winelands District Municipality may be conducted in order to ensure that the personal information that is processed by the Cape Winelands District Municipality is safeguarded and processed in accordance with the Conditions for Lawful Processing.

11.7 Objection to the processing of personal information by a data subject

Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provide that a data subject may at any time object to the processing of his/her/its personal information in the prescribed form attached to this manual as Appendix 3, subject to exceptions contained in POPIA.

11.8 Request for correction or deletion of personal information

Section 24 of POPIA and regulation 3 of the POPI Regulations provides that a data subject may request for their personal information to be corrected/deleted in the prescribed form attached as Appendix 4 to this manual.

11.9 Categories of data subjects and their personal information

The Cape Winelands District Municipality may possess or possesses records relating to personal information of employees, beneficiaries, suppliers, Council members, contractors, service providers, stakeholders and members of the public.

12. ARRANGEMENTS AND PROVISIONS FOR PERSONS TO MAKE REPRESENTATIONS, CONSULT OR OTHERWISE TO PARTICIPATE IN OR INFLUENCE THE FORMULATION OF POLICY OR THE EXERCISING OF POWERS OR PERFORMANCE OF DUTIES BY THE CAPE WINELANDS DISTRICT MUNICIPALITY

12.1 The Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) instructs each municipality to encourage and create conditions for the local community to participate in the affairs of the municipality.

12.2 Therefore, certain mechanisms and interaction processes are created to enable the public to participate in the affairs of the municipality, namely:

12.2.1 Interaction: Council with the public

- (a) Adequate public notice of any intention to formulate by-laws and policies on any matter that may affect the public.
- (b) Timeous preparation and distribution of agendas of Council and committee meetings.
- (c) Government Gazette notices or other legislation regarding the Cape Winelands District Municipality.
- (d) Annual report to the community regarding the results achieved by the municipality.
- (e) Council meetings that are open to the public.
- (f) The media such as radio and local newspapers.

12.2.2 Interaction: Public with Council

- (a) Proportional representative Councillors and Councillors representing the local municipality.
- (b) Liaison with the public affairs office.
- (c) Consultive sessions with local community organisations.
- (d) Written input on proposed policies or by-laws or regarding any other matter concerning the exercise of powers of performance of duties by the municipality may be submitted to the Municipal Manager or the Executive Mayor at the address set out in paragraph 4.

12.2.3 Interaction: Processes of Council

- (a) Public meetings.
- (b) Recognition of community-based organisations, which bodies will be incorporated in planning processes such as the integrated development process.
- (c) A budget process designed to encourage community participation.
- (d) Invitations to the public to submit written comments or representations on any matter before Council.

13. REFUSAL OF ACCESS TO RECORDS

13.1 The district municipality has a responsibility to protect the rights of other people and those rights cannot be exercised to the detriment of the rights of other people.

13.2 Therefore, the Information Officer has in terms of sections 34 to 45 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) the right to refuse access to records.

13.3 Discretionary refusal of access to records

The Information Officer or Deputy Information Officer has the discretion to refuse access of records where a request for access to information would involve disclosure of the following, amongst others:

13.3.1 Information supplied in confidence by a third party, the disclosure of which could reasonably be expected to cause prejudice.

13.3.2 Information, the disclosure of which would be likely to impair the security of a building, structure or system, which may be a computer system, means of transport or any other property.

13.3.3 Information regarding methods, systems, plans or procedures for the protection of an individual in a witness protection scheme, the safety of the public or the security of property.

13.3.4 A record containing the methods, techniques or guidelines for the prevention, detection, curtailment or investigation of a contravention or possible contravention of law or prosecution of an alleged offender.

13.3.5 A record on the prosecution of an alleged offender where disclosure of the record could reasonably be expected to impede the prosecution or result in a miscarriage of justice.

- 13.3.6 A record, the disclosure of which could reasonably be expected to:
- (a) prejudice the investigation of a contravention or possible contravention of the law;
 - (b) reveal or enable a person to identify a confidential source of information related to the enforcement or administration of the law;
 - (c) result in the intimidation or coercion of a witness or a person who may be called as a witness in criminal or other proceedings to enforce the law;
 - (d) contravene the law; or
 - (e) prejudice or impair the fairness of a trial or the impartiality of adjudication.
- 13.3.7 Information, the disclosure of which could cause prejudice to the defence, security or international relations of the Republic of South Africa.
- 13.3.8 Information, the disclosure of which is likely to materially jeopardise the economic or financial interests of the Republic of South Africa or the ability of the government to manage the economy of the Republic of South Africa effectively.
- 13.3.9 Information that contains trade secrets of the state or a public body or could put a public body at a disadvantage in a contract or other relations or prejudice a public body in commercial competition.
- 13.3.10 Information that contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the state or a public body.

- 13.3.11 Information that is a computer program, defined in the Copyright Act, 1978 (Act No 98 of 1978), owned by the state or a public body.
- 13.3.12 Information about research being carried out or likely to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose a public body, person carrying out the research or subject matter of the research to serious disadvantage.
- 13.3.13 Information about a record of a public body that contains an opinion, advice, report or recommendation obtained or prepared or an account of a consultation, discussion, deliberation or minutes of a meeting on the formulation of a policy or taking a decision in the exercise of a power or performance of a duty conferred by law if disclosure could reasonably be expected to frustrate the deliberative process or success of the policy.

13.4 Mandatory refusal of a request for access to a record

- 13.4.1 The Information Officer must refuse access to a record where a request for access to information would involve the unreasonable disclosure of personal information or trade secrets about a third party (including a deceased individual) or any information, other than trade secrets, that can cause harm to the commercial or financial interests of a third party.
- 13.4.2 Access must also be refused where a request for access to information would involve disclosure of information that is a computer program owned by a private body or where access to the record is prohibited in terms of section 60(14) of the Criminal Procedure Act, 1977 (Act No 51 of 1977) or where the information is privileged or where the information can endanger the life or safety of an individual or the protection of property.
- 13.4.3 The Information Officer must refuse access to a record where the information would involve the disclosure of information supplied in confidence by a third party and it can reasonably be expected to put the third party at a disadvantage in contractual or other negotiations.

- 13.4.4 Where the information would be a breach of duty of a confidence to a third party or where the disclosure of information about research would expose the person or third party carrying out the research or the subject matter of the research causing serious disadvantage, access must be refused.
- 13.4.5 The Information Officer may refuse a 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.

14. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE CAPE WINELANDS DISTRICT MUNICIPALITY

- 14.1 If the Information Officer fails to give a decision on a request for access within THIRTY (30) days, the Information Officer is deemed to have refused the request and the requester may lodge an internal appeal with the Council of the Cape Winelands District Municipality.
- 14.2 An internal appeal must be lodged in the prescribed form within SIXTY (60) days in terms of section 75(1)(a)(i) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (see Annexure “B”).
- 14.3 A requester may lodge an internal appeal against a refusal of a request or a decision of the Information Officer with respect to:
- 14.3.1 the prescribed fees;
 - 14.3.2 the extension of the period to deal with a request; or
 - 14.3.3 the form of access.
- 14.4 A third party may lodge an internal appeal with the Council of the Cape Winelands District Municipality in terms of section 72(c) against a decision by the Information Officer to disclose information.
- 14.5 A requester who has lodged an internal appeal and is not satisfied with the result may make an application for appropriate relief to a court in terms of section 78 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000), within THIRTY (30) days of the decision on the internal appeal.

15. MANNER OF AN INTERNAL APPEAL AND APPEAL FEES

- 15.1 An internal appeal must be lodged on the prescribed form within a period of SIXTY (60) days.
- 15.2 If a notice to a third party is required, within THIRTY (30) days after notice is given to the appellant of the decision to appeal, an internal appeal must be lodged.
- 15.3 The appeal must be posted, faxed or sent by electronic mail to the Information Officer.
- 15.4 The subject matter must be identified and the reasons for appeal must be stated.
- 15.5 If, in addition to a written reply, the appellant wishes to be informed of the decision of the internal appeal in any other manner, he or she must state that manner and provide the necessary particulars to be so informed.
- 15.6 If applicable, the prescribed appeal fee must accompany the form.
- 15.7 Late appeals, upon good cause shown, can be allowed.
- 15.8 The Information Officer must within TEN (10) working days after receipt of an internal appeal submit the appeal to the municipal Council for the decision concerned.

16. COMPLAINT TO THE INFORMATION REGULATOR

- 16.1 A requester or third party may only submit a complaint to the Information Regulator after that requester or third party has exhausted the internal appeal procedure against a decision of the Information Officer of the Cape Winelands District Municipality.
- 16.2 The Information Regulator will reject the complaint if an appeal process has not been completed.
- 16.3 However, with regard to a public body (in respect of which an internal appeal is not applicable) and a private body, a requester or third party may submit a complaint to the Regulator, if not satisfied by the decision of the body concerned.
- 16.4 A complaint to the Information Regulator by a requester or a third party must be lodged within ONE HUNDRED AND EIGHTY (180) days of receipt of the decision from the Cape Winelands District Municipality.
- 16.5 A requester may lodge a complaint with the Information Regulator, if not happy with –
- (a) the outcome of an internal appeal; and
 - (b) a decision of the appeal authority to disallow the late lodging of an internal appeal.
- 16.6 A third party may lodge a complaint with the Information Regulator, if not happy with the outcome of an internal appeal, to the appeal authority of the district municipality.

17. EXTERNAL REMEDIES

- 17.1 The decision made by the municipal Council pertaining to any of the decisions the requester or third party is aggrieved by, is final and the requester or third party may, by way of an application, within ONE HUNDRED AND EIGHTY (180) days apply to a court for appropriate relief in terms of section 82 of PAIA.
- 17.2 A requester or third party may only apply to a court for appropriate relief in terms of section 82 in the following circumstances:
- 17.2.1 After that requester or third party has exhausted the internal appeal process; or
- 17.2.2 After that requester or third party has exhausted the complaints procedure referred to in section 77A of PAIA.
- 17.3 In terms of section 78(1) of PAIA, a requester or third party has two (2) options, either to refer a decision to the Information Regulator or the court.

18. FRAUD HOTLINE

- 18.1 The Cape Winelands District Municipality adopts a zero tolerance to fraud and corruption.
- 18.2 Fraud and corruption will be investigated and followed up by the application of all remedies available within the full extent of the law and the implementation of appropriate prevention and detection controls.
- 18.3 The Cape Winelands District Municipality subscribes to the principles of good corporate governance, which requires the conducting of business in an honest and transparent manner.
- 18.4 The Cape Winelands District Municipality is committed to fighting fraudulent behaviour at all levels within the organisation.

Fraud Hotline

Call: 021 888 5130

Report it:

Report any fraud related activity immediately



19. GENERAL INFORMATION

- 19.1 The Information Officer or the Deputy Information Officer may be contacted for further information not contained in this manual.
- 19.2 The Cape Winelands District Municipality will, if necessary, update and publish this manual at least once a year.

ANNEXURE A

FORM 2

CAPE WINELANDS DISTRICT MUNICIPALITY

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

Note:

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

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

[Regulation 7]

PARTICULARS AND ADDRESS OF PUBLIC BODY

The Information Officer / Deputy Information Officer:

Cape Winelands District Municipality

46 Alexander Street

Stellenbosch

E-mail address: paia@capewinelands.gov.za

mm@capewinelands.gov.za

karina@capewinelands.gov.za

Mark with an 'X'

<input type="checkbox"/>	Request is made in my own name
<input type="checkbox"/>	Request is made on behalf of another person

PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD																
Full names and surname																
Identity number	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>															
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															
PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE																
Full names of person on whose behalf request is made (<i>if applicable</i>)																
Identity number	<table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>															
Postal address																
Street address																
E-mail address																
Contact numbers	Tel (B)															
	Facsimile															
	Cellular															

PARTICULARS OF RECORD REQUESTED

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.)

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 (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc.</i>)	
Record consists of recorded word 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 (Mark the applicable box with an 'X')	
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 mages (<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 (Mark the applicable box with an 'X')	
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

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.

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

Signed at _____ on this ____ day of _____ 20__

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

FOR OFFICIAL USE

Reference number	
Request received by <i>(state rank, name and surname of information officer)</i>	
Date received	
Access fees	
Deposit (if any)	

SIGNATURE OF INFORMATION OFFICER

ANNEXURE B

CAPE WINELANDS DISTRICT MUNICIPALITY

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE NUMBER

A. PARTICULARS OF PUBLIC BODY

The Information Officer / Deputy Information Officer
Cape Winelands District Municipality

B. PARTICULARS OF REQUESTER/THIRD PARTY WHO LODGES THE INTERNAL APPEAL

- (a) The particulars of the person who lodges the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be provided at C below.

Full names and surname:

Identity number:

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

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

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

C. PARTICULARS OF REQUESTER

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname:

Identity number:

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

D. THE DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED

Mark the decision against which the internal appeal is lodged with an 'X' in the appropriate box.

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(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 in which you want to be informed:

Particulars:

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received on _____ (date) by _____

(state rank, name and surname of Information Officer/Deputy Information Officer)

Appeal accompanied by the reasons for the Information Officer's/Deputy Information Officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the Information Officer/Deputy Information Officer on _____ (date) to the relevant authority.

OUTCOME OF APPEAL

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
CONFIRMED / NEW DECISION SUBSTITUTED

NEW DECISION: _____

DATE

CAPE WINELANDS DISTRICT MUNICIPALITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER OF
CAPE WINELANDS DISTRICT MUNICIPALITY ON (date):

ANNEXURE C

FEES IN RESPECT OF PUBLIC BODIES

1.	The request fee payable by every requester	R100,00
2.	Photocopy per A4-size page or part thereof	R1,50
3.	Printed copy per A4-size page or part thereof	R1,50
4.	For a copy in a computer-readable form on:	
4.1	Flash drive (to be provided by requester)	R40,00
4.2	Compact disc	
	If provided by requester	R40,00
	If provided to the requester	R60,00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on:	
8.1	Flash drive (to be provided by requester)	R40,00
8.2	Compact disc	
	If provided by requester	R40,00
	If provided to the requester	R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R100,00
	To not exceed a total cost of	R300,00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

FEES IN RESPECT OF PRIVATE BODIES

1.	The request fee payable by every requester	R140,00
2.	Photocopy/printed black and white copy per A4-size page or part thereof	R2,00
3.	Printed copy per A4-size page or part thereof	R2,00
4.	For a copy in a computer-readable form on:	
4.1	Flash drive (to be provided by requester)	R40,00
4.2	Compact disc	
	If provided by requester	R40,00
	If provided to the requester	R60,00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on:	
8.1	Flash drive (to be provided by requester)	R40,00
8.2	Compact disc	
	If provided by requester	R40,00
	If provided to the requester	R60,00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R145,00
	To not exceed a total cost of	R435,00
10.	Deposit: If search exceeds six hours	One third of amount per request calculated in terms of items 2 to 8
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

ANNEXURE D

PERSONS EXEMPTED FROM PAYING FEES FOR REQUESTED INFORMATION

Government Gazette Number 28107

Notice Number R. 991

Regulation Gazette Number 8325

Volume 484

Date: 14 October 2005

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 of 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 in 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 712,00 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 to this notice are made, does not exceed R27 192,00 per annum; and

- (b) determine that –
- (i) where the cost of collecting any fee contemplated in section 22 of the Act exceeds the amount charged, such fee 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 officer or maintenance investigator for purposes of a maintenance investigation or enquiry 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.

APPENDIX 1

PERMISSIBLE DEDUCTIONS

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 No 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, 1956 (Act No 24 of 1956);
 - (f) Rent or mortgage instalments to the maximum of R12 000,00 per annum;
 - (g) Maintenance paid in terms of a court order; and
 - (h) School fees, except school fees paid to a private school.

BS MABANDLA, MP

MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

APPENDIX 2: PART 1

PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

FOR SUPPLIERS AND CONTRACTORS AND BENEFICIARIES

- (a) Verifying information and performing checks;
- (b) Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- (c) Payment of invoices;
- (d) Performing duties in terms of any agreement with suppliers, contractors and/or beneficiaries;
- (e) Make, or assist in making, credit and financial decisions about suppliers, contractors and/or beneficiaries;
- (f) Operate and manage suppliers, contractors and/or beneficiaries' accounts and manage any document, application, agreement or correspondence they may have with the Cape Winelands District Municipality;
- (g) Communicating (including direct marketing) with suppliers, contractors and/or beneficiaries by e-mail, SMS, letter, telephone or in any other way about the Cape Winelands District Municipality's products and services, unless they have indicated otherwise;
- (h) Carrying out market research, business and statistical analysis;
- (i) Performing other administrative and operational purposes;
- (j) Recovering any debt suppliers, contractors and/or beneficiaries may owe the Cape Winelands District Municipality;
- (k) Complying with the Cape Winelands District Municipality's regulatory and other obligations; and
- (l) Any other reasonably required purpose relating to the business and organisational functions of the Cape Winelands District Municipality.

FOR PROSPECTIVE SUPPLIERS, CONTRACTORS AND/OR BENEFICIARIES

- (a) Verifying and updating information;
- (b) Pre-scoring; and
- (c) Any other reasonably required purpose relating to the processing of personal information reasonably related to the Cape Winelands District Municipality's business and organisational functions.

FOR COUNCILLORS AND EMPLOYEES

- (a) Performing duties in terms of any agreement;
- (b) Verification of applicant employees' information during recruitment process;
- (c) Complying with the Cape Winelands District Municipality's regulatory and other obligations; and
- (d) General matters relating to Councillors and employees:
 - (i) Pension
 - (ii) Medical aid
 - (iii) Payroll
 - (iv) Disciplinary action
 - (v) Training
 - (vi) Any other reasonably required purpose relating to the employment or possible employment relationship.

APPENDIX 2: PART 2

CATEGORIES OF DATA SUBJECTS AND CATEGORIES OF PERSONAL INFORMATION RELATING THERETO

COUNCILLORS AND EMPLOYEES

- (a) Names, surname and contact details;
- (b) Identity number and identity documents including passports;
- (c) Employment history and references;
- (d) Banking and financial details;
- (e) Details of payments to third parties (deductions from salary);
- (f) Employment contracts;
- (g) Employment equity plans;
- (h) Medical aid records;
- (i) Pension fund records;
- (j) Remuneration/salary records;
- (k) Performance appraisals;
- (l) Disciplinary records;
- (m) Leave records;
- (n) Training records;
- (o) Health and wellbeing;
- (p) Financial information;
- (q) Information pertaining to spouse and dependants;
- (r) Educational information;
- (s) Criminal behaviour;
- (t) Gender;
- (u) Marital status;
- (v) Ethnicity;
- (w) Home language; and
- (x) Confidential correspondence.

SUPPLIERS, CONTRACTORS AND/OR BENEFICIARIES (which may include employees)

- (a) Postal and/or street address;
- (b) Title, name and surname;
- (c) Contact numbers and/or e-mail address;
- (d) Ethnic group;
- (e) Employment history;
- (f) Age;
- (g) Gender;
- (h) Marital status;
- (i) Nationality;
- (j) Language;
- (k) Financial and banking information;
- (l) Identity or passport number;
- (m) Company and/or business information and registration numbers;
- (n) Directors' and/or members' and/or owner's information;
- (o) Information relating to services and/or products;
- (p) Authorised signatories;
- (q) Other information not specified, reasonably required to be processed for business operations.

COMMUNITY MEMBERS AND/OR STAKEHOLDERS

- (a) Postal and/or street address;
- (b) Title, name and surname;
- (c) Contact numbers and/or e-mail address;
- (d) Name of business, firm and/or organisation; and
- (e) Other information not specified, reasonably required to be processed.

APPENDIX 2: PART 3

RECIPIENTS OF PERSONAL INFORMATION

- (a) Any firm, organisation or person that the Cape Winelands District Municipality uses to collect payments and recover debts or to provide a service on its behalf;
- (b) Any firm, organisation or person that/who provides the Cape Winelands District Municipality with products or services;
- (c) Any payment system the Cape Winelands District Municipality uses;
- (d) Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Cape Winelands District Municipality has a duty to share information;
- (e) Third parties to whom payments are made on behalf of employees;
- (f) Financial institutions from whom payments are received on behalf of data subjects;
- (g) Any other operator not specified;
- (h) Employees, contractors and temporary staff;
- (i) Any firm, organisation or person that the Cape Winelands District Municipality uses for the capturing, organising and storing of data;
- (j) Recipients of e-mails and other correspondence; and
- (k) Any firm, organisation or person that the Cape Winelands District Municipality uses to render a vetting service for the District Municipality to ensure that an individual's credentials stand up to scrutiny.

APPENDIX 2: PART 4

CROSS-BORDER TRANSFERS OF PERSONAL INFORMATION

Personal information may be transmitted transborder to Cape Winelands District Municipality's suppliers in other countries, and personal information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws.

The Cape Winelands District Municipality will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and personal information.

APPENDIX 2: PART 5

DESCRIPTION OF INFORMATION SECURITY MEASURES OF THE CAPE WINELANDS DISTRICT MUNICIPALITY

The Cape Winelands District Municipality undertakes to institute and maintain the data protection measures to accomplish the objectives outlined below:

- (a) The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective.
- (b) The Cape Winelands District Municipality may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

ACCESS CONTROL OF PERSONS

The Cape Winelands District Municipality shall implement suitable measures in order to prevent unauthorised persons from gaining access to the data processing equipment where the data are processed.

DATA MEDIA CONTROL

The Cape Winelands District Municipality undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by the Cape Winelands District Municipality and containing personal data of suppliers, contractors and/or beneficiaries.

DATA MEMORY CONTROL

The Cape Winelands District Municipality undertakes to implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

USER CONTROL

The Cape Winelands District Municipality shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

ACCESS CONTROL TO DATA

The Cape Winelands District Municipality represents that the persons entitled to use the Cape Winelands District Municipality's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

TRANSMISSION CONTROL

The Cape Winelands District Municipality shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilisation of the Cape Winelands District Municipality's data communication equipment / devices.

TRANSPORT CONTROL

The Cape Winelands District Municipality shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by unauthorised persons during the transmission thereof or during the transport of the data media.

ORGANISATION CONTROL

The Cape Winelands District Municipality shall maintain its internal organisation in a manner that meets the requirements of this manual.

FIREWALL AND VIRUS PROTECTION

The firewall controls access to the network and computers that hold data of the Cape Winelands District Municipality and virus management protects the network from applications that will cause harm to the network and data.

IDENTITY MANAGEMENT

All data stored on the Cape Winelands District Municipality's network are controlled by an identity management system, thus access is granted by the administrator of that section of the network.

SOFTWARE THAT HOLDS DATA

Data held by software applications on the Cape Winelands District Municipality's network are protected by a variety of native security mechanisms that include encryption, access control based on identity and propriety encoding.

ENCRYPTION OF DATA

Data on the Cape Winelands District Municipality's network can be encrypted with or without a password to ensure either safe transport or secure storage.

DATA TRACKING AND CONTROL

MS TEAMS provides for data tracking and monitoring of data, including access in respect of viewing and sharing status.

APPENDIX 3

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF POPIA AND REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

Note:

- (1) Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- (2) If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
- (3) Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject	
Unique identifier / identity number	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of data subject	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) TO (f) (PLEASE PROVIDE DETAILED REASONS FOR THE OBJECTION)

Signed at this day of 20.....

.....

SIGNATURE OF DATA SUBJECT/ PERSON

APPENDIX 4

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF POPIA AND REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 (REGULATION 3)

Note:

- (1) Affidavits or other documentary evidence as applicable in support of the request may be attached.
- (2) If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
- (3) Complete as is applicable.

Mark the appropriate box with an 'X'.

Request for:

- Correction or deletion of the personal information about the data subject that is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject that is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject	
Unique identifier / identity number	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	

B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of data subject	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) TO (f) (PLEASE PROVIDE DETAILED REASONS FOR THE OBJECTION)

D	<p style="text-align: center;">REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) THAT IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; AND/OR REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) THAT THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN (PLEASE PROVIDE DETAILED REASONS FOR THE REQUEST)</p>