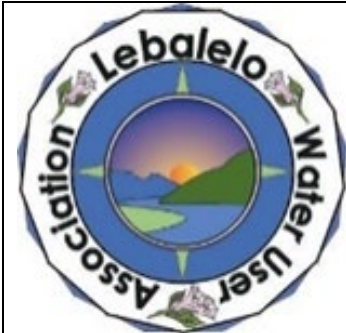


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Lebalelo Water User Association

PROMOTION OF ACCESS TO INFORMATION MANUAL

Private Body Manual

VERSION: 2

IMPLEMENTATION DATE: March 2020

LAST REVISION DATE: 17 October

2023

REFERENCE NUMBER: LWUA/3GOV/POL/PAIA

	NAME	POSITION	NOTING	DATE
AUTHOR:	A J Collier	GRC&L		March 2020
REVIEWED BY:	M Luthuli	Business Manager & Information Officer		September 2023
APPROVED BY:	OPSCOM			17 October 2023
APPROVED BY:	JA Bierman	CEO		17 October 2023

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NOTED BY	Chair	FINCOM	26 October 2023
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1. AIM	
The aim of this manual is to provide guidance in respect of applications / requests for information about the Association and is prepared in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000	
2. SCOPE	
This manual applies to the Association.	
3. DEFINITIONS	
TERM	DEFINITION
the Association	Lebalelo Water User Association
4. ABBREVIATIONS	
All abbreviations used in the document which are generally used in daily communications and need no explanation, are unnecessary. Abbreviations of an unfamiliar nature are explained in this paragraph in alphabetical order. Within the contents of this policy / procedure, reference is often made to phrases and/or terms that are unique to this policy / procedure. The meaning of the phrases and/or terms shall be as follows:	
5. RESPONSIBLE FOR REVIEW	
The Association's Information Officer is responsible to review this manual on an annual basis, or as and when changes are required.	
6. RESPONSIBLE FOR IMPLEMENTATION	
The persons responsible for the implementation of this policy / procedure are:	
<ul style="list-style-type: none"> • The Association's Information Officer is responsible for implementation. • Any Association employee or contractor that is requested to assist with the manual. • The Association's Information Officer shall make all relevant people mentioned in this manual aware of their roles and responsibilities. 	

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7. GENERAL

7.1 Distribution

HARD COPY #	DISTRIBUTED TO	MASTER REFERENCE	ELECTRONIC REFERENCE
1	Information Officer	Central Policies & Procedures Library	Lebalelo Management SharePoint
2	CEO	Central Policies & Procedures Library	Lebalelo Management SharePoint

8. MANUAL

The following process should be followed by Association employees.

8.1 INTRODUCTION AND PURPOSE OF THE MANUAL

8.1.1 This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000 – “the Act”). The Act gives effect to the provisions of Section 32 of the Constitution of South Africa, which provides that “everyone has the right of access to any information held by another person and that is required for the exercise and/or protection of any right”. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

8.1.2 The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such requested information, other than in terms of the Act.

8.1.3 It is important to note that the Act recognizes certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

9. SCOPE OF APPLICATIONS

9.1 This manual has been prepared in respect of the LEBALELO WATER USER ASSOCIATION and shall be referred to as “THE ASSOCIATION” for the purposes of this manual.

9.2 The Information Officer named below is appointed in respect of THE ASSOCIATION as a whole.

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10. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT: CONTACT DETAILS	
Name of private body:	LEBALELO WATER USER ASSOCIATION
Head of private body:	Bertus Bierman – Chief Executive Officer
Information Officer (IO):	Mduduzi Luthuli
Email address of IO:	mduduzi@lebalelo.co.za
Postal address:	P.O Box 2075 Polokwane, 0700
Physical address:	2 nd Floor – Building A, Lynwood Office Park, 4 Daventry Road, Lynnwood, Pretoria
Phone number:	+27 (13) 216 8000
Fax number:	+27 (13) 216 8003
Website:	www.lebalelo.co.za
11. THE SOUTH AFRICAN HUMAN RIGHTS GUIDE TO THE ACT - GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)	
11.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.	
11.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in Sections 6 and 7 of the Act.	
11.3 Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.	
11.4 The contact details of the Commission are: The South African Human Rights Commission Private Bag 2700 Houghton 2041 Tel: +27 011 877 3600 Fax: +27 011 484 0625 Website: www.sahrc.org.za E-mail: mnyuswa@sahrc.org.za	
12. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(c)	
12.1 No notice in terms of Section 52(2) of the Act, regarding the categories of records of THE ASSOCIATION which are available without request has been published.	
12.2 The information as regarding THE ASSOCIATION is accessible at www.Lebalelo.co.za without request. The website contains various categories of information relating to THE ASSOCIATION, such as, details of the Association and its business, membership and contact details.	

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13. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

THE ASSOCIATION keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- National Water Act
- Non-profit Organisations Act 71 of 1997
- Occupational Health & Safety Act, No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Promotion of Access to Information Act, No. 2 of 2000
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

14. CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)

The following are the subject and categories of records held:

14.1 Human resources

- Personal records of the personnel
- Employments contracts
- Retirement benefit records
- Disciplinary records
- Salary records
- Training Records
- Correspondence relating to personnel.
- Leave records.
- UIF Returns
- Internal policies and procedures

14.2 Administration

- Constitution and Members Agreement
- Minutes of the Management Committee
- Association Register
- Records relating to the election of Members of the Management Committee

14.3 Financial and administration

- Annual Financial Statements

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<ul style="list-style-type: none"> · VAT Records · PAYE records · Fixed asset register · Banking records · UIF Records · Management reports · Invoices · Debtors and creditors information
<p>13.4 Information Management and Technology</p> <ul style="list-style-type: none"> · Services Level Agreements · Equipment Register · Policies, Procedures and guidelines · Licensing agreements
<p>13.5 Marketing and communication</p> <ul style="list-style-type: none"> · Communications strategies · Agreements
<p>13.6 Operations</p> <ul style="list-style-type: none"> · Operations Documentation · Insurance (insurance arrangements, policies and claims) · Asset register · BEE Statistics
<p>13.7 Safety Records</p> <ul style="list-style-type: none"> · Occupational Health and Safety records · Records of incidents in the workplace
<p>13.7 Customer/Clients and third parties related records</p> <ul style="list-style-type: none"> · Contracts with Clients and Members · Any records the Client and Members have provided to THE ASSOCIATION or a third party acting for or on behalf of THE ASSOCIATION · Records, reports, designs and the like generated by THE ASSOCIATION for their clients and Members. · Records generated pertaining to Clients and Members, including transactional records.
<p>14. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)</p>
<p>14.1 A request shall be made on the prescribed form attached hereto and is available from SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za).</p>
<p>14.2 The prescribed form shall be submitted to the Information Officer at the address, or electronic mail address provided for above, and upon payment of the prescribed fees. A table of Prescribed Fees is attached hereto The Information</p>

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	Officer shall upon receipt of the request in the prescribed form acknowledge receipt of the request and advise if there any prescribed fees payable or not and the manner of payment.
14.3	The prescribed form must be completed with enough particularity to enable the Information Officer to identify: 14.3.1 the record(s) requested; 14.3.2 the identity of the requester; 14.3.3 indicate which form of access is required if the request is granted; 14.3.4 specify the postal address or fax number of the requester in the Republic.
14.4	The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right (section 53(2) (d)).
14.5	The requester will be informed in writing, within 30 days of receipt of the request, whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required (section 53(2)(a) and (b) and (c) and (e).
14.6	If a request is made on behalf of another person, the prescribed form will still need to be completed and the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
14.7	If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
14.8	THE ASSOCIATION will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer, that circumstances dictate that the 30-day period within which to process the request not be adhered to or followed.
14.9	The Information Officer may decide to extend the period of 30 days ("original period") for another period of not more than 30 days if – 14.9.1 the request is for a large number of records; 14.9.2 the search for the records is to be conducted at premises not situated in the same town or city as the office of THE ASSOCIATION; 14.9.3 consultation among divisions or departments, as the case may be, of the company is required; 14.9.4 the requester consents to such an extension in writing; and 14.9.5 the parties agree in any other manner to such an extension.
14.10	Should the Association require an extension of time; the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

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14.11	The requester will be notified of the decision of the Information Officer in the manner indicated by the requester.
14.12	If the request is granted, the requester shall be informed by the Information Officer in the manner indicated by the requester in the prescribed form.
14.13	Notwithstanding the foregoing, the Information Officer will advise the requester in the manner stipulated by the requester in the prescribed form of- 14.13.1 the access fee to be paid for the information (in accordance with paragraph 10); 14.13.2 the format in which access will be given; and 14.13.3 the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
14.14	After access is granted, actual access to the record requested will be given as soon as reasonably possible.
14.15	If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall state – 8.15.1 adequate reasons for the refusal; 8.15.2 that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
14.16	Upon the refusal by the head of the Information Officer, the deposit paid by the requester will be refunded.
14.17	If the Information Officer fails to respond within 30 days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the Information officer has refused the request.
15.	 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS
	The main reason(s) why THE ASSOCIATION may refuse a request for information relates to the –
15.1	protecting of personal information regarding a third party who is a natural person, who would involve the unreasonable disclosure of personal information of that natural person (section 63);
15.2	protection of confidential commercial information of a third party, if the record contains: 15.2.1 trade secrets of that third party; 15.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; 15.2.3 information disclosed in confidence by a third party to THE ASSOCIATION, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);

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15.3	mandatory protection of the safety of individuals and the protection of property (section 66);
15.4	mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
15.5	mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
15.6	the commercial activities of THE ASSOCIATION, which may include – 15.6.1 trade secrets of THE ASSOCIATION; 15.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of THE ASSOCIATION; 15.6.3 information which, if disclosed could put THE ASSOCIATION at a disadvantage in negotiations or commercial competition;
15.7	requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

16. HISTORY OF CHANGES

Reasons for Change - Index

A	As a result of incidents
B	As a result of audit findings
C.	Changes in Operating Procedures
D.	Changes in Legislation/Structures
E.	Changes in Technology
F.	Changes in Machinery/Equipment
G.	Results of risk assessments
H.	Change in training requirements
I.	New procedure format
J.	Change due to spelling or grammatical error
K.	To integrate a special instruction into the document control system
L.	Other reasons

Date of change	Revised Item (Paragraph number) - include a reference if it is applicable	Reason	Name of reviewer
17 October 2023			A Collier and M Luthuli

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17. RECORD OF CONTROL

Records to be maintained in accordance with this policy / procedure:

Identification	Reference number	Responsible for filing	Responsible for maintenance	Location of storage area	Retention period	Method of disposal
Dealing with Policy		GRCL	M Luthuli	Association Offices	Duration of document life	Shredding
Policy audit reports and findings		GRCL	M Luthuli	Office / Operations		
Corrective actions of the related findings or correspondence to the Policy		GRCL	M Luthuli	Office / Operations		

18. REFERENCES

Applicable Legislation

19. RELATED PROCEDURES

Document number	Document Title
	Association Governance Documentation Policy

20. ANNEXURES

Annexure	Name
Annexure A	Table of Prescribed Fees
Annexure B	Prescribed Form

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ANNEXURE A – PRESCRIBED FEES

PRESCRIBED FEES Section 51(1)(f) of the Act When the request is received by the Information Officer he/she shall by notice require the requester to pay the prescribed request fee, before further processing of the request. The access and reproduction fees payable by a requester are as of date hereof as follows:

• For every photocopy of an A4 size page or part	R1,10
• For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	R0,75
• For a copy in a computer readable form on:	
➤ compact disc	R70,00
➤ For a transcription of visual images, for an A4 size page or part thereof For a copy of visual images	R40,00 R60,00
➤ For a transcription of an audio record, for an A4 size page or part thereof	R20,00
➤ For a copy of an audio record	R30,00
• To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation The request fee payable by a requester, other than a personal requester, is R50,00.	
• If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.	
• The actual postage is payable when a copy of a record must be posted to a requester.	

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

(Address)

E-mail address:

Fax number:

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: <input type="text"/>
	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 <i>(Mark the applicable box with an "X")</i>			
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 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
(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 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
(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:	

FEEES	
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 <i>(Please specify)</i>

Signed at _____ 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