a world class African city

CITY OF JOHANNESBURG MUNICIPALITY

PAIA MANUAL

Prepared in terms of section 14 of the Promotion of Access to Information Act 2000 [Act No. 2 of 2000] PAIA MANUAL

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1 COJ	City of Johannesburg Metropolitan Municipality
1.2 City	City of Johannesburg Metropolitan Municipality
1.3 CM	City Manager
1.4 DIO:	Deputy Information Officer
1.5 IO:	Information Officer
1.6 MEs	Municipal Entities
1.7 MMC	Member of the Mayoral Committee
1.8 PAIA:	Promotion of Access to Information Act 2 of 2000
1.9 POPIA	Protection of Personal Information Act No. 4 of 2013
1.10 Regulator	Information Regulator
1.11 SDBIP	Service Delivery and Budget Implementation Plan

2. DEFINITIONS OF TERMS

'access fee' means a fee prescribed for the purposes of reproduction, search, and preparation of access and, if applicable, postal fees;

'Act' means the Promotion of Access to Information Act 2 of 2000 (PAIA)

'application' means an application to a court for an appropriate relief after exhausting internal process;

'Constitution' means the Constitution of the Republic of South Africa, 1996 (Act 1088 of 1996);

'court' means-

(a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution; or

(b) (i) a High Court or another court of similar status, or

(ii) a Magistrate's Court, either generally or in respect of a specified class of decisions in terms of this Act, designated by the Minister, by notice in the Gazette, and presided over by a magistrate designated in writing by the Minister, after consultation with the Magistrates Commission, within whose area of jurisdiction-

(aa) the decision of the information officer or relevant authority of a public body or the head of a private body has been taken;

(bb) the public body or private body concerned has its principal place of administration or business; or

(cc) the requester or third party concerned is domiciled or ordinarily resident;

'head' of or in relation to a private body means-

(a) in the case of a natural person, that natural person or any person duly authorised by that natural person;

(b) in the case of partnership, any partner of the partnership or any person duly authorised by the partnership;

(c) In the case of a juristic person-

(i) The chief executive officer or equivalent officer of the juristic person or any, person duly authorised by that officer; or

(ii) the person who is acting as such or any person duly authorised by such acting person;

(d) in the case of Political Party, the leader of that Political Party or any person duly authorised by that leader.

'information officer' of, or in relation to, a public body-

(a) in the case of a national department, provincial administration, or organisational component-

(i) mentioned in Column 1 of Schedule I or 3 to the Public Service Act, 1994 (Proclamation l03 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule I or 3 opposite the name of the relevant

national department, provincial administration or organisational component or the person who is acting as such; or

(ii) not so mentioned, means the Director-General, head, executive director, or equivalent officer, respectively, of that national department, provincial administration, or organisational component, respectively;

(b) in the case of a municipality, means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such; or

(c) in the case of any other public body, means the chief executive officer, or equivalent officer, of that public body or the person who is acting as such;

'**Information Regulator'** The Office of the Information Regulator has been established, in terms of section 39 of POPIA, to monitor and enforce compliance with both POPIA and PAIA. In this Guide the Office of the Information Regulator or the information Regulator is referred to as the Regulator

'internal appeal' means an internal appeal refers to the process whereby a requester is dissatisfied with the decision of the information officer or in an instance where his/her request was ignored and no response given within 30 days / extended period of 30 days. An internal appeal must be lodged with the relevant authority where such process is applicable;

'official' in relation to a public or private body, means-

(a) any person in the employ (permanently or temporarily and full-time or part-time) of the public or private body, as the case may be, including the head of the body, in his or her capacity as such; or

(b) a member of the public or private body, in his or her capacity as such;

'PAIA' means Promotion of Access to Information Act 2 of 2000

'PAIA request form' means the name given to the document submitted to a public or private body requesting access to information in terms of PAIA

'person' means a natural person or a juristic person;

'personal information' means information about an identifiable individual, including, but not limited to-

(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;

(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

(c) any identifying number, symbol or other particular assigned to the individual;

(d) the address, fingerprints, or blood type of the individual;

(e) the personal opinions, views, or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award, or a prize to be made to another individual;

(f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

(g) the views or opinions of another individual about the individual;

(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and

(i) in the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years;

'personal requester' means a requester seeking access to a record containing personal information about the requester;

'private body' means-

(a) a natural person who carries or has carried on any trade, business, or profession, but only in such capacity;

(b) a partnership which carries or has carried on any trade, business, or profession; or

(c) any former or existing juristic person, but excludes a public body;

'public body' means-

(a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or

(b) any other functionary or institution when-

(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation;

'record' of, or in relation to, a public or private body, means any recorded information-

(a) regardless of form or medium;

(b) in the possession or under the control of that public or private body, respectively; and

(c) whether or not it was created by that public or private body, respectively;

'records automatically available' means records that can be accessed without a person having to request access in terms of PAIA.

'regulations' PAIA allows the Minister to issue regulations that supplement the Act, which must be published in the Government Gazette, and covers issues like the forms to be used and fees that may be charged for certain processes

'relevant authority' in relation to-

(a) a public body referred to in paragraph (a) of the definition of 'public body' in the national sphere of government, means-

(i) in the case of the Office of the Presidency, the person designated in writing by the President; or

(ii) in any other case, the Minister responsible for that public body or the person designated in writing by that Minister;

(b) a public body referred to in paragraph (a) of the definition of 'public body' in the provincial sphere of government, means-

(i) in the case of the Office of a Premier, the person designated in writing by the Premier; or

(ii) in any other case, the member of the Executive Council responsible for that public body or the person designated in writing by that member; or

(c) a municipality, means-

(i) the mayor;

(ii) the speaker; or

(iii) any other person designated in writing by the Municipal Council of that municipality.

'request fee' the fee that must be paid by the requester before a request can be processed

'request for access' in relation to-

(a) a public body, means a request for access to a record of a public body in terms of section II: or

(b) a private body, means a request for access to a record of a private body in terms of section 50;

'requester' in relation to-

(a) a public body, means-

(i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or

(ii) a person acting on behalf of the person referred to in subparagraph (i);

(b) a private body, means-

(i) any person including but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or

(ii) a person acting on behalf of the person contemplated in subparagraph (i);

'third party' in relation to a request for access to-

(a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than-

(i) the requester concerned; and

(ii) a public body; or

(b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person';

'working days' means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994).

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

3.1 check the nature of the records which may already be available at COJ, without the need for submitting a formal PAIA request;

3.2 understand how to make a request for access to a record of the City of Johannesburg Municipality;

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

3.4 know all the remedies available from COJ regarding request for access to the records, before approaching the Regulator or the Courts;

3.5 the description of the services available to members of the public from COJ, and how to gain access to those services;

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

3.7 if COJ will process personal information, the purpose of processing of personal information and the description of the categories of data subject and of the information or categories of information relating thereto;

3.8 know if COJ has planned to transfer or process personal information outside the Republic of South Africa and recipients or categories of recipients to whom the personal information may be supplied; and

3.9 know whether COJ has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed

4. ESTABLISHMENT OF THE CITY OF JOHANNESBURG MUNICIPALITY

The City of Johannesburg was established under the Local Government: Municipal Structures Act 117 of 1998.

4.1 Legislative Mandate of the City of Johannesburg Municipality

The functions of the City of Johannesburg Municipality are contained in the following legislations:

- Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No.46 of 1998)
- Audit Profession Act, 2005 (Act No.26 of 2005)
- Advertising on Roads and Ribbons Development Act 21 of 1994
- Basic Conditions of Employment Act,1997 (Act No:75 of 1997)
- Basic Guide: General Conditions of Contract for Construction Works (GCC 2004)
- Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003)
- Children's Act,2005 (Act No.38 of 2005)
- Code of Good Practice for employment and conditions of work for Special Public Works Programmes
- Code of good practise: Preparation, implementation and monitoring of employment equity plans
- Community Schemes Ombud Services Act,2011 (Act No.9 of 2011)
- Companies Act, 2008 (Act No. 71 of 2008)
- Companies Act Regulations
- Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- Competition Amendment Act, 2000 (Act No. 39 of 2000)
- Construction Industry Development Board Act, 2000 (Act No.45 of 2000)
- Constitution of the Republic of South Africa,1996 (Act No.108 of 1996)
- Consumer Protection Act, 2008 (Act No. 68 of 2008)
- Control of Access to Public Premises and Vehicles Act, 1985 (Act No, 53 of 1985)
- Co-operatives Act,2005 (Act No.14 of 2005)
- Copyright Act, 1978 (Act No. 98 of 1978)
- Council for Built Environment Act, 2000 (Act No. 43 of 2000)
- Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- Cultural Laws Amendment Act,2001 (Act No: 36 of 2001)

- Deeds Registries Amendment Act, 2013 (Act No.34 of 2013)
- Disaster Management Act, 2002 (Act No. 57 of 2002)
- Disaster Management Framework,2005
- Division of Revenue Act,2013 (Act No.2 of 2013)
- Electricity Act, 1987 (Act No.41 of 1987)
- Electricity Regulation Act,2006 (Act No.4 of 2006)
- Electronic Communications Amendment Act, 2014 (Act No.1 of 2014)
- Electronic Communications and Transactions Act,2002 (Act No.25 of 2002)
- Electronic Communications Security (Pty) Ltd Act, 2002 (Act No. 68 of 2002)
- Employment Equity Act, Code of Good Practise: Human Resource Policies and Practices
- Employment Equity Amendment Act, 2013 (Act No. 47 of 2013)
- Employment Equity Regulations
- Engineering Profession of South Africa, 2000(Act No.46 of 2000)
- Environmental Conservation Amendment Act, 2003 (Act No.50 of 2003)
- Environmental Management Act, 1998 (Act No.107of 1998)
- Expropriation Amendment Act, 1992 (Act No. 45 of 1992)
- Explosives Act, 2003 (Act No.15 of 2003)
- Firearms Control Act, 2000 (Act No.60 of 2000)
- Gauteng Planning and Development Act, 2003 (Act No.3 of 2003)
- General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)
- Generally Recognised Accounting Practice
- Guidelines for the Implementation of Labour Intense Infrastructure Projects under the expanded Public Works Programme, 3rd Edition 2015
- Health Professions Act ,1974 (Act No. 56 of 1974)
- Housing Amendment Act, 2001 (Act No.4 of 2001)
- Housing Code
- Housing Consumer Protection Measures Act, 1998 (Act No.19 of 1998)
- Housing Development Agency Act,2008 (Act No.23 of 2008)
- Income Tax Act, 1962 (Act No. 58 of 1962)
- Infrastructure Development Act, 2014 (Act No.23 of 2014)
- Intergovernmental Fiscal Relations Act, 1997 (Act No.97 of 1997)
- Intergovernmental Relations Framework,2005 (Act No. 13 of 2005)
- Labour Relations Amendment Act, 2012 (Act No. of 2012)
- Labour Relations Regulations
- Local Government: Municipal Finance Act, 2003 (Act No.56 of 2003)

- Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000)
- Medicines and Related Substances Control Amendment Act, 1991 (Act No.94 of 1991)
- Minimum Information Security Standards
- Minimum Physical Security Standards
- Municipal Finance Management Act, Circular No.68
- Municipal Finance Management Act, Circular No.76
- Municipal Investment and Municipal PPP Regulations – Gazette No.27431, 1April 2005
- Municipal Property Rates Act, 2004 (Act No. 6 of 2004)
- Municipal Regulations on Minimum Competency Levels- Gazette No.29967
- Municipal Regulations – Financial Misconduct
- Municipal Supply Chain Management Regulations Gazette No.27636, 30 May 2005
- National Building Regulations and Building Standards Act, 1977 (Act No. 103 1977)
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- National Environmental Management Act: Air Quality Act, 2004 (Act No.39 of 2004)
- National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)
- National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
- National Health Amendment Act, 2013 (Act No.12 of 2013
- National Heritage Resources, Act 1999 (Act No.25 of 1999)
- National Housing Code
- National Small Business Amendment Act,1996 (Act No. 102 of 1996)
- National Strategic Intelligence Act, 1994 (Act No. 39 of 1994)
- National Qualifications Framework Act, 2008 (Act No. 67 of 2008)
- Nursing Act, 2005 (Act No.33 of 2005)
- Occupational Health and Safety Act, 1993 (Act No. 81 of 1993)
- Pharmacy Amendment Act, 2000 (Act No.1 of 2000)
- Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)
- Prevention and Combating of Corrupt Activities Act,2004 (Act No.12 of 2004)
- Prevention of Illegal Evection from and Unlawful Occupation of Land Act, 1998 (Act No.19 of 1998)
- Private Security Industry Levies Act, 2002 (Act No. 23 of 2002)
- Private Security Industry Regulation Act,2001 (Act No. 56 of 2001)
- Promotion of Access to Information Act, 2000 (Act. 2 of 2000)
- Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000)
- Promotion of Equality & Unfair Discrimination Act, 2000 (Act No.4 of 2000)
- Protected Disclosures Act, 2000 (Act No.26 of 2000)
- Protection of Information Act, 1982 (Act No. 84 of 1982)
- Protection of Personal Information, 2013 (Act No. 4 of 2013)

- Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002(Act No. 70 of 2002)
- Rental Housing Act,1999 (Act No.50 of 1999)
- Skills Development Act,1998 (Act No.97 of 1998)
- Skills Development Levies Act, 1999 (Act No. 9 of 1999)
- Social Housing Act,2008 (Act No.16 of 2008) South African Police Services Act,1995 (Act No.68 of 1995)
- Spatial Planning and Land Use Management Act,2013 (Act No 16 of 2013)
- State Information Technology Agency Amendment Act,2002 (Act No.38 of 2002)
- Telecommunications Act, 1996 (Act No.103 of 1996) Trespass Act, 1959 (Act No. 6 of 1959)
- Tourism Act,2014 (Act No.3 of 2014)
- Unemployment Insurance Contributions Act, 2002 (Act No. 2002)
- World Heritage Convention Act, 1999 (Act No. 49 of 1999)

5. STRUCTURE OF THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

5.1 Structure

Structurally, as provided for in section 151 (1) and (2) of the Constitution, a metropolitan municipality is a category A municipality and has executive and legislature arms; and whose authority is vested in the Municipal Council i.e. The Executive Mayor, Members of Mayoral Committee, the City Manager, and the Section 57 Managers.

The COJ is governed through the Mayoral Executive system - which allows for the exercise of executive authority through an executive mayor, in whom the executive leadership of the municipality is entrusted; and who is assisted by a mayoral committee, as provided for by section 7 (b) of the Municipal Structures Act, 1998.

The objectives of a municipality are as defined in section 152(1) of the constitution:

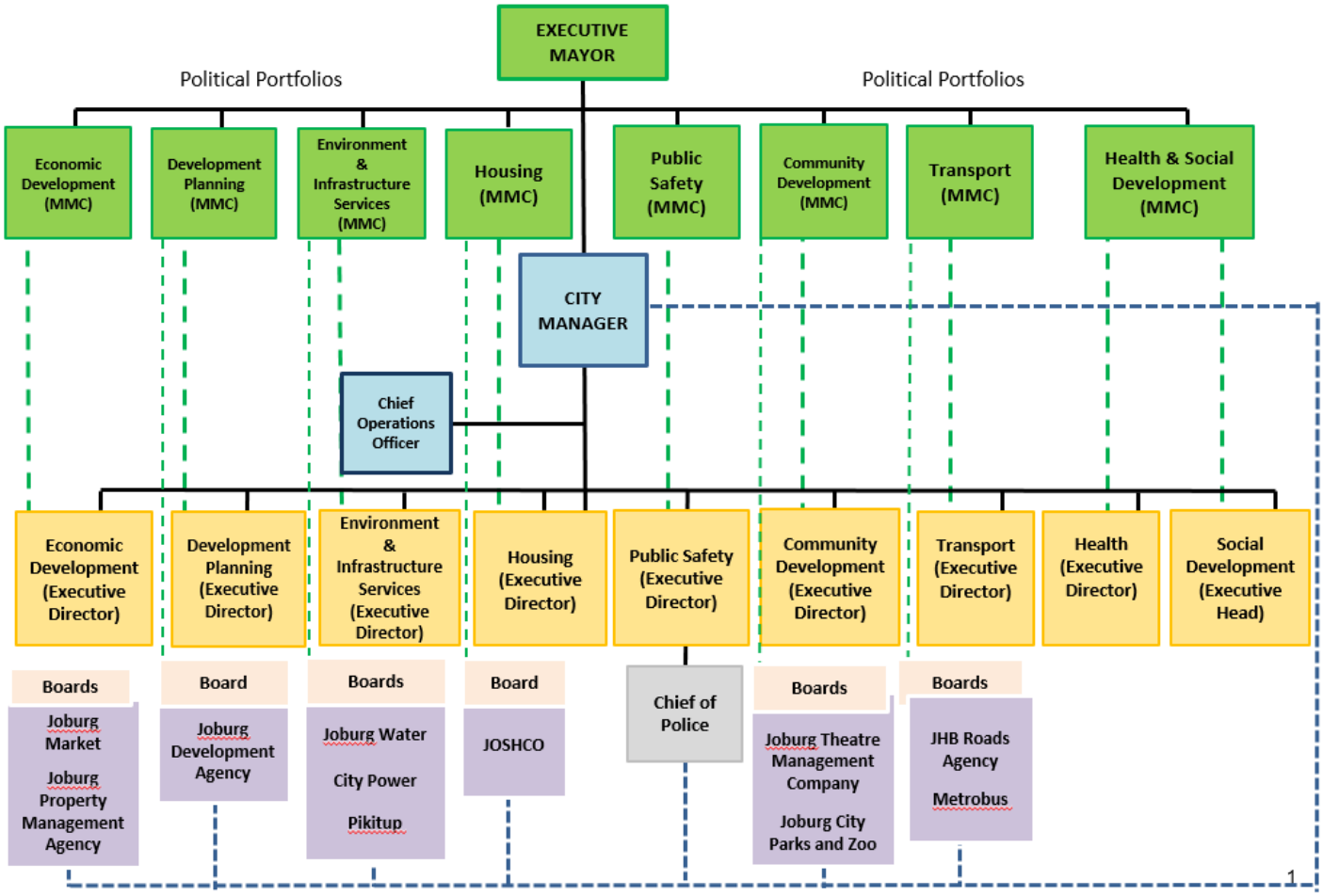
- to provide democratic and accountable government for local communities,
- to ensure the provision of services to communities in a sustainable manner,
- to promote social and economic development,
- to promote a safe and healthy environment, and
- to encourage the involvement of communities and community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

Municipal Entities (MEs):

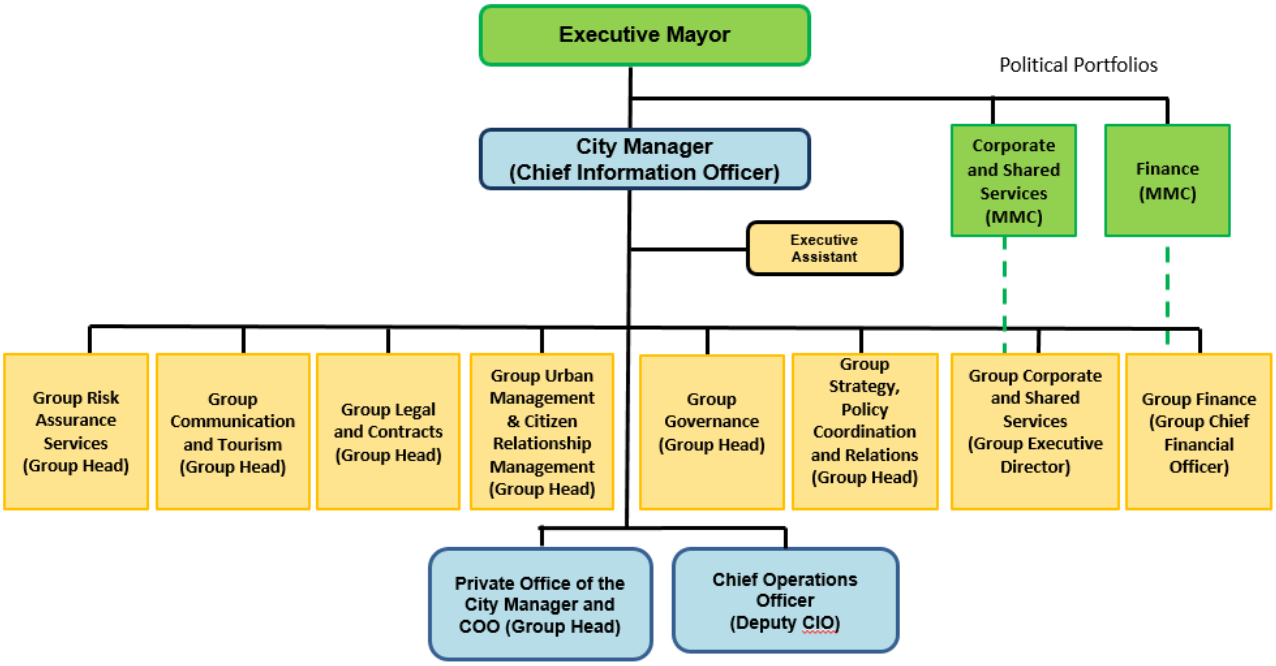
- The MEs were created as separate companies. These entities are wholly owned by the City and primarily provide services originally provided by Council. The ME model defines the relationship between the MEs, and the City as follows:
- MEs are wholly owned by the City as shareholder.
- The City maintains policy and implementation direction while allowing company boards and management to exercise relative independence in the execution of their fiduciary duties; and
- Oversight by MMC's and line departments ensures closer alignment within the portfolio concerned.

5.2 Organisational Structure

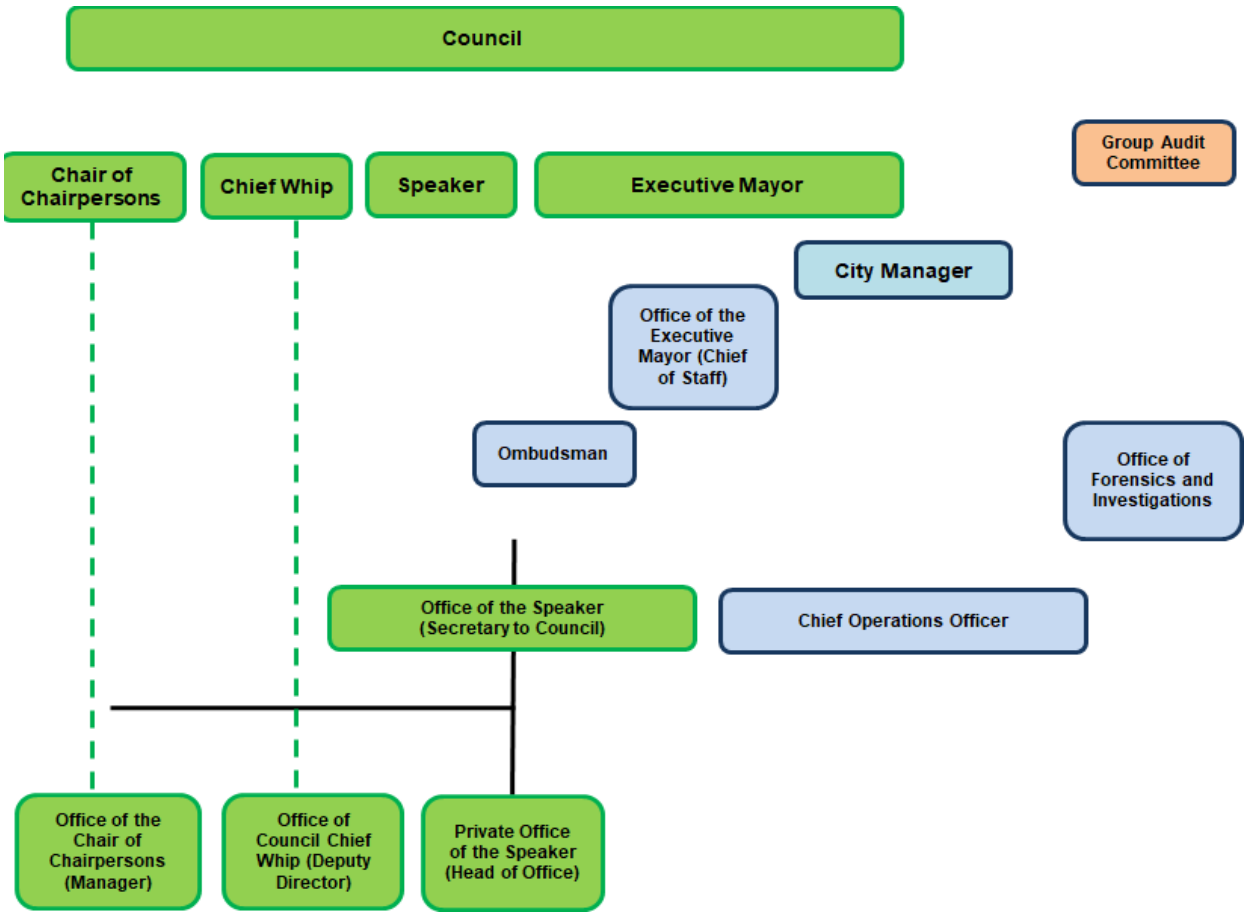
5.2.1 COJ Line functions reporting to City Manager, MEs and relevant Political Portfolio



5.2.2 Office of the City Manager, Group Functions, and relevant Political Portfolios



5.2.3 High Level Structure of Political Offices



5.2.4 Roles and responsibilities of Political Office

Municipal Council

As provided in section 11 (1) of the Systems Act, 2000, the executive and legislative authority of a municipality is exercised by the council of the municipality, and the council takes all the decisions of the municipality subject to section 59 of the Systems Act.

The main responsibility of Municipal Council is to:

- Exercise the legislative and executive authority decision making subject to section 59 of the Systems Act.
- Identifying and meeting the need of the community
- Developing a system of delegation.
- Review performance of the municipality.
- Make by-laws approve budgets.
- Elect Executive Mayor and where desired a Deputy Mayor with the MEC's approval.

5.2.4.1 Executive Mayor

- Exercise delegated executive authority
- Identify and prioritise community needs.
- Recommending to the council policies and strategies to meet community needs
- Identify, develop, and implement a performance evaluation system of service delivery
- Monitor the municipal administration
- Perform duties and exercise powers as delegated by the council
- Perform a ceremonial role

5.2.4.2 Mayoral Committee

The Structures Act provides for the establishment of a mayoral committee if a municipal council has more than nine members. The Executive Mayor will therefore appoint a mayoral committee from among the councillors, to assist the Executive Mayor. The Executive Mayor may delegate some of his powers to the mayoral committee and may dismiss a member of the mayoral committee. Section 60 (3) of the Structures Act defines the role of the mayoral committee to perform those of the Executive Mayors powers and functions as may be designated by the municipal council, exercising and performing them with the executive mayor.

5.2.4.3 Municipal Manager

In the provisions of the Structures Act section 55, Systems Act section 82, and MFMA section 60; the administration of local government is headed by the municipal manager as the accounting officer of the municipality.
Section 55 (1) of the Systems Act indicates that as head of administration, the municipal manager of a municipality is subject to the policy directions of the municipal council, and is responsible and accountable for:

- the formation and development of an economical, effective, efficient and accountable administration that is equipped for the implementation of the IDP, municipal performance system and respond to the needs of the local communities;
- the management of the municipality's administration in accordance with the systems act and other legislation applicable to the municipality;
- the management of service delivery and its performance management system;
- the management of staff subject to relevant government legislation and practices and advising the political structures and political office bearers of the municipality on such issues;
- managing communications between the municipality's administration and its political structures and political office bearers and carrying out the political decisions;
- the administration and implementation of the legislation applicable to and developed by the municipality;
- facilitating community participation in the affairs of the municipality and implanting a system to assess satisfaction levels.

As accounting officer of the municipality the municipal manager is responsible and accountable for (section 55, (2)):

- all income and expenditure of the municipality;
- all assets and the discharge of all liabilities of the municipality; and
- proper and diligent compliance with applicable municipal finance management legislation.

The City of Johannesburg is dedicated to realising the following 11 Mayoral Priorities through efficient and effective administration:

- Financial sustainability
- Safer City
- Energy mix
- Job opportunities and creation
- Active and engaged Citizenry
- Good governance
- Infrastructure development
- Sustainable service delivery
- Sustainable economic growth
- Green Economy
- Smart City

6. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION IN THE CITY OF JOHANNESBURG MUNICIPALITY (COJ) (HEAD OFFICE)

6.1 Chief Information Officer

Name:	Dr Floyd Brink City Manager
Email:	CityManager@joburg.org.za
Physical Address:	Sappi Building 48 Ameshoff Street Braamfontein
Postal Address:	City of Johannesburg P.O. Box 1049 Johannesburg 2000

6.2 Deputy Information Officer

Name:	Ms. Thembisa Zwane
Cell Number:	083 677 9197
Physical Address:	Nedbank Building, 2nd Floor, Newtown Junction 100 Carr Street, Newtown, 2001

6.3 Access to Information general contact details

Email Address:	Accesstoinfo@joburg.org.za
Web Site Address:	www.joburg.org.za

7. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION IN MUNICIPAL ENTITIES (MEs)

COJ Municipal Entities listed below should in terms of the legislation produce their own manual as to section 14 of PAIA and should be responsible for managing requests made under The Act for information they hold.

7.1 Details of Municipal Entities

7.1.1 Johannesburg City Power

Information Officer: Ms. Tshifularo Mashava (CEO)
Deputy Information Officer: Mr. Mashudu Munyai,
Mmunyai@citypower.co.za
Tel: 011 490 7563
Fax Number: 011 490 7736
Physical Address: 40 Heronmere Road, Reaven, 2016
Website Address: www.citypower.co.za

7.1.2 Johannesburg Water

Information Officer: Mr. Ntshavheni Mukwevho
Deputy Information Officer: Ms. Kethabile Mabe,
Kethabile.Mabe@jwater.co.za
Tel: 011 688 1411
Fax Number:
Physical Address: Turbine Hall, 65 Ntemi Mpilisp Street, Newtown
Website Address: www.jwater.co.za

7.1.3 Pikitup, Johannesburg

Information Officer: Ms. Bukelwa Njingolo (MD)
Deputy Information Officer: Mr. Larry Mallela
LarryM@pikitup.co.za
Tel: 087 357 1001
Fax Number: 011 712 5322
Physical Address: 66 Jorissen Place, Jorissen Street, Braamfontein, 2001
Website Address: www.pikitup.co.za

7.1.4 City Parks and Zoo

Information Officer: Mr. Thanduxolo Mendrew (MD)
Deputy Information Officer: Mr. Ayanda Shongwe,
AShongwe@jhbcityparks.com
Fax Number:
Tel: 011 712 6674
Physical Address: 40 De Korte Street, Braamfontein, 2001
Website Address: www.jhbcityparksandzoo.com

7.1.5 Johannesburg Roads Agency

Information Officer: Mr. Zwelithini Nyathi (CEO)
Deputy Information Officer: Ms. Phumla Majola,
PMajola@jra.org.za
Tel: 011 491 5744
Fax Number:
Physical Address: 75 Helen Joseph Street, cnr Harrisson Street, Johannesburg,
Website Address: www.jra.org.za

7.1.6 Johannesburg Development Agency

Information Officer: Mr. Themba Mathibe (CEO)
Deputy Information Officer: Ms. Sophia Ndhlovu,
SDhlovu@jda.org.za
Tel: 011 688 7891/ 7850
Fax Number: 011 688 7899
Physical Address: The Bus Factory No.3, Helen Joseph Street, Newtown,
Johannesburg, 2000
Website Address: www.jda.org.za

7.1.7 Johannesburg MetroBus

Information Officer: Mr. Luyanda Gidini (Acting MD)
Deputy Information Officer: Mr. Goodwill Shivuri,
GShivuri@mbus.jobur.org.za
Tel: 011 403 4300
Fax Number:
Physical Address: 1 Raides Road, Braamfontein, 2001
Website Address: www.mbus.joburg.org.za

7.1.8 Johannesburg Civic Theatre

Information Officer: Ms. Xoliswa Nduneni-Ngema (CEO)
Deputy Information Officer: Ms. Justine Lipson,
Justine@joburgtheatre.com
Tel: 011 877-6831
Fax Number:
Physical Address: 163 Civic Boulevard, Braamfontein, 2001
Website Address: www.joburgtheatre.com

7.1.9 Johannesburg Fresh Produce Market

Information Officer: Mr. Sello Michael Makhubela (CEO)
Deputy Information Officer: Mr. Nkosinathi Baloyi,
NBaloyi@joburgmarket.co.za
Tel: 011 992 8058 / 8000
Fax Number: 011 613 7381
Physical Address: 4 Fortune Road, City Deep, Johannesburg 2049
Website Address: www.joburgmarket.co.za

7.1.10 City of Joburg Property Company

Information Officer: Mr. Musawakhe Makhunga (CEO)
Deputy Information Officer: Mr. Tshepo Mokataka,
TMokataka@joburgproperty.co.za
Tel: 010 219 9025
Fax Number: 010 219 9400
Physical Address: 33 Hoof Street, Forum 1, Braam Park, Braamfontein 2017
Website Address: www.jhbproperty.co.za

7.1.11 Johannesburg Tourism Company

Information Officer: Mr. Thandubuhle Mgulwa CEO
Deputy Information Officer: Ms. Nomvula Pirusent / Mr Leonard Moloto
Tel: 011 888 3525
Physical Address: Sandton Library, Cnr West and Rivonia Road, Mandela Square, Sandton 2196
Website Address: https://www.sandtontourism.com

7.1.12 Johannesburg Social Housing Company

Information Officer: Mr. Katlego Ditshego (Acting CEO)
ceo@joscho.co.za
Deputy Information Officer: Ms. Livhalani Memaungani
Tel: 011 406 7300
Fax Number: 011 404 3001
Physical Address: 61 Juta Street, Braamfontein, Johannesburg 2001
Website Address: www.joshco.co.za

8. PROCEDURE FOR ACCESS TO RECORDS HELD BY COJ

- Section 18 of PAIA prescribes the procedure to be followed in making a request for access to information held by COJ. Section 23(1) of POPIA also provides the procedure to access personal information. Manner of access to personal information in terms of section 23 of POPIA should be in accordance with section 18 of PAIA. A requester or data subject must use the prescribed form, FORM 2, when requesting access to a record held by COJ.

- In case of an illiterate person, a requester can make an oral request, which must then be reduced into writing by the person assisting the requester.

- The Deputy Information Officer has 30 days to process and respond to the requester from the date of the receipt of the request.

- The Deputy Information Officer may, in terms of Section 26 of the Act, ask from the requester an extension of another 30 days if the deadline is not met, but only for the reasons that are

provided by the Act. These reasons include the case where a request is for a large number of records or requires a search through a large number of records; a search of the record is in another office of public body not situated in the same town or city; requires consultation among divisions of the public body; and the requester consent in writing to such extension.

8.1 The Act provides the following grounds for refusal, which the Deputy Information Officer or the Information Officer can rely on to refuse access to a record: -

- Mandatory protection of privacy of third party who is a natural person.
- Mandatory protection of certain records of South African Revenue Services.
- Mandatory protection of commercial information of the third party.
- Mandatory protection of certain confidential information; and protection of certain other confidential information, of a third party.
- Mandatory protection of safety of individuals, and protection of property.
- Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
- Mandatory protection of records privileged from production in legal proceedings.
- Defence, security, and international relations of the Republic.
- Economic interest and financial welfare of the Republic and commercial activities of public bodies.
- Mandatory protection of research information of third party, and protection of research information.
- Operations of public bodies.
- Manifestly frivolous or vexatious request, or substantial and unreasonable diversion of resources.

8.2 These grounds, however, need to be weighed against whether despite the existence of these grounds, public interest would override the refusal and thus access must be granted. Some records which are protected from release can nevertheless be obtained if: -

- All or some of it has already been released.
- If the information is more than 20 years old.
- If the person/s whose information is contained in the record consents to its release.
- If it is possible for the DIO to black out the parts of the record which are sensitive, the remaining parts of the record can be released.
- The Act promotes the releasing of information by ensuring that even where records are protected, there are processes to ensure that they are not reasonably kept away from the public.

9. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE CITY OF JOHANNESBURG

9.1 Internal Remedies

9.1.1 *internal Appeal*

A requester may lodge an internal appeal in terms of section 74 of PAIA against a decision of the Information Officer or Deputy Information Officer on the following grounds:

- refusal to grant access to the records;
- the access fee to be paid is too excessive;
- the decision of the Information Officer to grant a request for access;
- an extension of period in terms of section 26(1) of PAIA;
- refusal to grant access to records in a particular form requested, in terms of section 29 (3) of PAIA;
- failure to disclose records;
- refusal to grant request to waive the fees.

9.1.2 The appeal against any decision(s) of the Information Officer or Deputy information Officer, a requester must lodge an internal appeal by completing **Form 4.**

9.1.3 An Internal Appeal form must be delivered or sent to the Information Officer or Deputy information Officer's address or fax number or electronic mail address:-

- Within 60 days after the decision was taken;
- Within 30 days after notice is given to the third party of the decision appealed against.

9.1.4 An Internal Appeal must be submitted to the Information Officer or Deputy information Officer who must in terms of PAIA, forward it to the Relevant Authority, within ten (10) days, together with –

- his or her reasons for the decision concerned; and
- the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request, in terms of section 47 (1) of PAIA.

9.1.5 The Relevant Authority, upon good cause shown, allow the late lodging of the internal appeal. However, if the Relevant Authority is not satisfied with the reasons advanced for late lodging of the appeal, the request will be disallowed on written notice to the person that lodged the internal appeal.

9.1.6 The Relevant Authority must process and decide on the internal appeal within thirty (30) days from the date in which the internal appeal was received by the Information Officer or Deputy Information Officer.

9.2 External Remedies

9.2.1 The Information Regulator

- A requester or third party may only submit a complaint to the Information Regulator against a decision of the Information Officer / Deputy Information Officer after that requester or third party has exhausted the **internal appeal procedure**.
- A complaint to the Information Regulator by a requester or third party must be lodged within 180 days of receipt of the decision from the body and must be submitted using a prescribed **Form 5.**

9.2.2 The Court

- If the requester feels aggrieved about the way his or her request for access to information was handled by the Information Officer / Deputy Information Officer, the requester may in accordance with section 78 of PAIA, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82.

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

The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The said guide is also available in official languages. It contains information such as among other, the objectives of PAIA and POPIA and details of Deputy Information Officers of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA.

The guide is available from their offices and online on their website. The following contact details can be used to request a copy of the guide from the Information Regulator:

National Head Office

Postal Address: P.O. Box 31533

Braamfontein

2017

Physical Address: The Information Regulator (South Africa)

Woodmead North Office Park

54 Maxwell Drive, Johannesburg

2191

Email: enquiries@inforegulator.org.za

Website: https://www.justice.gov.za/inforeg/index.html

11. DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY COJ

- Under the Promotion of Access to Information Act the City of Johannesburg is required to state what records it holds. Given the wide range of services provided, this listing of records is constantly being updated and may change over time.

- It should be noted that inclusion in the following list of records does not mean that the files or records are necessarily accessible under the Promotion of Access to Information Act. The Act prohibits a public body from allowing access, and/or allows the public body to refuse access, to certain types of information. Chapter 4 of the Act deals with the ground for refusal of access to records. The grounds for refusal are also on 8.1 of this document.

Subjects on which the body holds records	Categories of records held on each subject
1. Legislation	Policy, Parliamentary Legislation and Regulations, Provincial Legislation and Regulations, Council By-laws, Council Regulations
2. Organisation and Control	Policy, Functions, Survey to ascertain extension demands and systems Investigation, Establishment of new Section / Office, Delegation of Authority, Office Instructions, Records Control, Privatisation, Grading of Local Authority, Meetings of Heads, Service Delivery Monitoring.
3. Council and Council Matters	Policy, Elections, Meetings, Matters concerning Councillors.
4. Staff	Policy, Posts Control, Determination of Conditions of Service, Vacancies and Appointments, Training and Qualification, Financials, Termination of Services, Staff Control, Staff Evaluation and Grading, Staff Returns and Statistics, Labour Relations, Productivity, Long Service Awards
5. Finance	Policy, Estimates, Evaluations, Taxes, Loans, Tariffs, Subsidies Received, Deposits, Funds and Levies, Investments Claims, Settlement of Accounts, Grants and Pension Fund: Councillors, Collection of Money, Insurance, Accounting Responsibility, Financial Assistance, Losses / Thefts, Banking information, Reports and Returns.
6. Domestic Supplies and Services	Policy, Domestic Supplies, Domestic Services, Canteens and Caterers and Refreshments.
7. Buildings and Grounds	Buildings – Acquisition, Allocation / Accommodation for Regions / Utilities and Agency; Maintenance; Grounds – Acquisition and Maintenance

8. Tenders, Quotations and Contracts	Policy, Specific Tenders and Quotations, Specific Contracts.
9. Reports and Returns	Policy, Reports – Annual Reports (Council, Regions and Utilities and Agencies); Monthly Reports and Quarterly Reports.
10. Publicity and Information	Policy, Own Publicity and Information, Press / TV and Radio Reports, Brochures and Newsletters, Sights, Emblem of the Council, Publicity by other bodies: Control, and Information: Other Bodies.
11. Festivals and Social Matters	Policy, Speeches, Festivals, Social Matters
12. Composition and Meetings of Bodies and Other Gatherings	Policy, Routine Correspondence, Minutes Reports and Policy Decisions.
13. Legal Matters	Policy, Legal Opinions and Court / Council Decision, Appointments, Claims, Prosecutions.
14. Licences and permits	Policy, Licences - Trade Licences, Vehicle Licences, Occupational Licences; Permits
15. Town Planning and Control	Policy, Town Planning Schemes, Establishment of Townships, Control of Township
16. Essential Services	Policy, Water, Electricity, Roads and Streets, Sewerage, Sanitation, Cemetery and Crematorium.
17. Community Services	Policy, Health, Education, Traffic Control, Library Services, Housing, Civic Centre, Parks, Gardens and Open Spaces; Sports and Recreation, Bus Transport, Market, Provision and Management of Fire Brigade and Ambulance Services; Abattoir, Pounds; Social Services, Religion and Churches, Heritage, Arts and Culture; Civil Defence.

12. CATEGORIES OF RECORDS OF THE CITY OF JOHANNESBURG MUNICIPALITY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

FORM D"

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 15 of the Promotion of Access to Information Act, 2000) (Act 2 of 2000)

[Regulation 5A]

DESCRIPTION OF CATEGORY OF RECORDS UTOMATICALLY	**MANNER OF ACCESS TO RECORDS (e.g. website)**
AVAILABLE IN TERMS OF SECTION 15(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	**(Section 15(1)(b)**
FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i)	
1. Application for township establishment, and 2. Application for rezoning or consent use, in terms of the Town Planning and Townships Ordinance, 1986 3. Tariffs and rates as determined by the City of Johannesburg in terms of section 10 G of the Local Government Transitional Act, 1993 and the Local Authorities Rating Ordinance, 1977 4. By-laws that are adopted by the City of Johannesburg in terms of the Municipal Systems Act, 2000. **5.** Valuation roll in terms of the Local Authorities Rating Ordinance, 1977	
FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii):	
1. Council Agendas and Minutes 2. Rezoning and consent use applications 3. Valuation Certificates 4. Valuation Rolls 5. Building Plans 6. Site Plans 7. Geographic Information [other than public information]	Available for copying Available for copying To be printed To be printed Available for copying / owner's consent required – ID Document and Rates Account required Available for copying

AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii):	
1. Integrated Development Plans [IDP]	Available from the City's Website
2. Spatial Development Framework	Available from the City's Website
3. City's Budget	Available from the City's Website
4. Growth and Development Strategy (GDS)	Available from the City's Website
5. Service Charter	Available from the City's Website
6. Annual Reports	Available from the City's Website
7. Service Delivery Agreements (SDAs)	Available from the City's Website
8. Service Delivery & Implementation Budget Strategies (SDBIP)	Available from the City's Website Available from the City's Website
9. Human Development Strategy	Available from the City's Website
10. Councillor contact Information	Available from the City's Website
11. City management contact Information	Available from the City's Website
12. Departmental structures and Information	Available from the City's Website
13. Regional Structures and Information	Available from the City's Website
14. City By-laws	Available from the City's Website
15. City Policies	Available from the City's Website
16. Traffic fines	Available from the City's Website
17. City tariffs	Available from the City's Website
18. Valuations	Available from the City's Website
19. Electronic Accounts	Available from the City's Website
20. Electronic Map System / Geo-Information System (GIS)	Available from the City's Website
21. Building Plans Progress	Available from the City's Website
22. Public notices	Available from the City's Website
23. Press releases	Available from the City's Website
24. State of the City Address	Available from the City's Website
25. Tenders and Quotations	Available from the City's Website
26. Rates and Taxes	Available from the City's Website
27. Application Processes	Available from the City's Website
28. Vacancies	Available from the City's Website
29. Council Information	Available from the City's Website
30. Council Committee	Available from the City's Website
31. Council Code of Conduct	Available from the City's Website
32. Register of Council Declaration of Interests	Available from the City's Website
33. Council Year Planner	Available from the City's Website
34. Student Council	Available from the City's Website
35. Clinics	Available from the City's Website
36. Libraries	Available from the City's Website
37. Recreation Centres	Available from the City's Website

38. Swimming Pools	Available from the City's Website
39. Customer Service Centres and Pay points	Available from the City's Website
40. Conference Facilities and Halls	Available from the City's Website
41. City Departments	Available from the City's Website
42. Municipal Entities (MEs)	Available from the City's Website
43. City Structure	Available from the City's Website
44. Application Forms (Pensioners on property rates, tender application forms, etc)	Available from the City's Website

13. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE CITY OF JOHANNESBURG MUNICIPALITY AND HOW TO GAIN ACCESS TO THOSE SERVICES

Chapter 1 of the Municipal Finance and Management Act (MFMA) defines the Service Delivery and Budget Implementation Plan (SDBIP) as a detailed plan for implementing the municipal services and its annual budget.

Municipal Finance Management Act defines the SDBIP as a management and implementation tool which sets in-year information, such as quarterly service delivery and monthly budget targets, and links each service delivery output to the budget of the municipality, thus providing credible management information and a detailed plan for how the municipality will provide such services and the inputs and financial resources to be used.

The SDBIP can be obtained on COJ website, www.joburg.org.za.

14. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY CITY OF JOHANNESBURG MUNICIPALITY

The City's governance is made up of the executive and legislative functions. The legislative function is the political administration or Council, led by the Council's Speaker and holds monthly meetings to discuss Council matters. The Executive arm comprises the Mayoral Committee, chaired by the Executive Mayor, as well as an administrative function led by the City Manager (CM).

The key role of Council is to focus on legislative, participatory and oversight roles. Council delegated its executive function to the Executive Mayor and the Mayoral Committee. Its principal role is that of a policy-maker. The municipal council is mandated with the role of formulating and approving by-laws, approving policies and programmes which will be in the best interest of the public. It also debates issues publicly, facilitates political debate and discussion and plays an oversight role in the municipality.

The public participation process is important, in that it gives members of the public a voice to raise their concerns throughout the policy formulation process.

15. PROCESSING OF PERSONAL INFORMATION

- The purpose of the Protection of Personal Information Act, (Act 4 of 2013), (POPIA) is to regulate the processing of personal information.

- This Act ensures that all organizations that hold and process personal data do so carefully and with respect for the rights and interests of the people to whom it pertains.

- POPIA states that personal information belongs to clients, and they have a right in determining what their information is used for, how it is to be handled and under what circumstances they might object to the processing thereof.

15.1 Categories of data subject and the description of the nature or categories of the personal information to be processed.

Categories of Data Subjects	Personal Information that may be Processed
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, physical address, postal address, business address; Identity number, passport number and confidential correspondence

Juristic Person	Names of contact persons; Names of legal entity; physical and postal address; contact details, fax number, email address); car registration number; financial, commercial, scientific, or technical information and trade secrets
Employees	Gender; pregnancy, marital status, Race age, language, educational information (qualifications); Financial information, income tax reference number, bank details employment number, employment, history; Identity number; physical and postal address; contact details, fax number, email address), criminal behaviour, well-being and their relatives (family members) race, medical record, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language, biometric information of a person

15.2 The recipients or categories of recipients to whom the personal information may be supplied

15.2.1 Disclosure of Personal Information

a) COJ may disclose personal information where it has a duty or a right to disclose in terms of applicable laws.

b) COJ may disclose personal information where it deems necessary to protect the respect, dignity, and the professionalism of the Municipality.

c) COJ may disclose the Name and Surname of a registered person, his/her category of registration, registration number and the status of registration.

Category of personal information	Recipients or Categories of Recipients
Identity number and names, for criminal checks	South African Police Services,
Qualifications, for qualification verification	South African Qualifications Authority

Credit and payment history, for credit information	Credit Bureaus
Property information, names, contact numbers, rates account information	Law firms / debt collectors contracted with COJ

16. SAFEGUARDING REGISTERED PERSON'S PERSONAL INFORMATION

In terms of section 19 of POPIA, COJ ensures suitable and optimum security, integrity confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent: loss of, damage to or unauthorised destruction of personal information, unlawful access to or processing of personal information. POPIA requires that personal information should be adequately protected to avoid unauthorised access.

Therefore, COJ continuously reviews security controls and procedures to ensure that personal information is secured.

16.1 The following security controls are in place to protect personal information:

a) Personal information is treated as confidential and not disclosed unless required by law.

b) High level Information Technology controls are in place to maintain the protection of personal information in all systems us

c) High level anti-virus programs;

17. ACCESS AND CORRECTION OF PERSONAL INFORMATION

a) All Personal Information Processed by the City will be for the purpose of carrying out its functions, as recorded in this Privacy Framework and as mandated under the Local Municipal Structures Act 117 of 1998 (as amended), the Constitution of the Republic of South Africa 1996 and any other Applicable Laws.

b) Registered persons in COJ systems have a right to request for access to personal information in COJ's possession.

c) Registered persons' personal information should be continuously updated by information owners. This can be done electronically, telephonically by calling COJ departments or by calling COJ Call Centre.

18. AVAILABILITY OF THE PAIA MANUAL

a) A copy of this manual or the update version thereof, is available on COJ website: www.joburg.org.za.

b) The Manual is currently published in English and will be made available in two more official languages at a later stage.

c) It can also be made available to any person upon request and upon payment of a reasonable prescribed fee per each A4-size photocopy made, as contemplated in the Regulation.

19. PAIA FORMS

Form 2, form 4 and form 5 indicated on this document are obtainable from COJ Website - www.joburg.org.za.

20. PRESCRIBED FEE STRUCTURE

20.1 Fees in Respect of Public Bodies

Item	Description	Amount
1.	The request fee payable by every requester, before further processing of the request.	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requester) (ii) Compact disc • If provided by requester • If provided to the requester	 R40.00 R40.00 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-sized page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requester) (ii) Compact disc • If provided by requester • If provided to the requester	 R40.00 R40.00 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. To not exceed a total cost of:	R100.00 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

END