



Promotion of Access to
Information Act
Manual

Compiled:

In terms of Section 14 of the Promotion of
Access to Information Act, Act. No 2 of 2000



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1. PURPOSE

The purpose of this document is to serve as a manual of Umgeni Water as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records.

2. INTRODUCTION

HISTORICAL BACKGROUND OF UMGENI WATER

Umgeni Water is the water utility established by Proclamation No. 114 of 1974 (Government Gazette No. 4300, 14 June 1974). It supplies water for urban, industrial and agricultural purposes, and to local authorities within its area of supply. It operates eleven large storage dams, ten major and five small waterworks and two large wastewater works. It also operates rural reticulation schemes. The Head Office is situated in Pietermaritzburg, with regional offices at Mkondeni, New Germany, Umhlali and Park Rynie, all in KwaZulu Natal. Its functions are as follows:

Supply of:

- Raw and potable water in bulk and retail
- Wastewater and sanitation services
- Water resource management
- Catchments management
- Pollution prevention services
- Water sector training services
- Laboratory and analytical services
- Engineering and project management consultancy

a. APPLICABILITY OF THE PROMOTION OF ACCESS TO INFORMATION ACT

The Promotion of Access to Information Act (No.2 of 2000) is applicable to the Umgeni Water, particularly in respect to its internal records systems and archival records that are younger than 20 years in age. Access to archival records older than 20 years is governed by the National Archives and Records Service of South Africa Act (No 43 of 1996 as amended)

b. PURPOSE OF THE MANUAL IN TERMS OF PAIA

The purpose of this manual is to identify the structures and functions of the Umgeni Water and describe its records system to facilitate the objectives of PAIA.

c. PAIA GUIDE

Guide on how to use the Act as required by section 51(1)(b), as read with section 10. The Human Rights Commission has compiled a guide, in terms of section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This act was published in 2005 and access to it, and to any amended versions thereof can be found on the website of South African Human Right Commission at www.sahrc.org.za, or hard copy can be obtain directly from the South African Human Right Commission.

The Human Right s Commission contact details are as follows:

Physical Address:	The South African Human Rights Commission EAIA Unit The Research and Documentation Dept. 29 Princess of Wales Terrace Cnr York and St Andrews Street Parktown Johannesburg
Postal address:	Private Bag 2700 Houghton 2041
Telephone No:	011-484 8300
Fax No:	011-484 0582
E-mail address:	PAIA@sahrc.org.za
Website address:	www.sahrc.org.za

3. CONTACT PERSON AND ADDRESS DETAILS

As required by Section 51(1)(a) of the Act

In terms of the act the Chief Executive Officer of the public body is automatically an Information Officer of the organisation.

Name:	Mr Thami Hlongwa (Chief Executive)
Address:	310 Burger Street Pietermaritzburg 3201
Tel:	(033) 3411041

Fax: (033) 3428895

The chief executive has duly authorized the contact person below to ensure that the Act is complied with:

All requests for information must be directed to the Deputy Information Officer:

Deputy Information Officer

Name: Mr Johan Mncwabe
Designation: Deputy Information Officer
Address: 310 Burger Street, Pietermaritzburg, 3201 or Private Bag 9,
Pietermaritzburg, 3200
E-mail: johan.mncwabe@umgeni.co.za
Tel No: 033 341 1014
Fax No: 033 341 1084

4. RECORDS HELD BY UMGENI WATER

Records at Umgeni Water are managed by means of decentralized classification scheme with centralized control. Files no longer required by the users are transferred to the corporate archives. Records which have reached their disposal date are destroyed according to retention schedule. Records of lasting legal, social and historical or research value are retained permanently.

The corporate records are arranged according to Record Classification System/File Plan and the following listed records are available for access. Each recordkeeping system has a series of files dealing with internal administrative support matters. These series are referred to as support series, and generic in nature. Support series and the categorization of records contained in them are as follows:

Legislation

Draft and amendment of local and national legislation relevant to the utility

Planning and Management

Policy

Minutes of meetings-Board

Minutes of meetings-Management

Minutes of meetings-Operations

Strategic planning

Liaison with external organisations

Staff

Policy

Structure and job descriptions

Administration of benefits

Training

Grievance and disciplinary action

Occupational health

Unions

Finance

Policy

Capital budget

Operating budget

Tariffs

Audits

Petty cash

Insurance and Risk Management

Finance Administration

This system contains records relating to the financial management and administrative/facilities management of the organisation

Policy

Financial forecasts

Budget planning- capital expenditure

Budget planning- operating expenditure

Movable asset management (inventory control)

Reconciliations

Journal vouchers

Receipts

Financial statements

Setting of tariffs

Financial reports
Debtor's accounts
Sundry debtors
Customer queries
Creditor's payments
Creditor's statements
Payroll and amendments
Administration of payroll deductions
Inventory control

Office Administration

Policy
Domestic services
Material and equipment
Accommodation

Legal Matters

Agreement and contracts
Permits and licences
Appointment of contractors and consultants
Servitudes
Litigation
Legal risk management

Corporate Stakeholder previously called Public relations

Policy
Media liaison
Speeches and presentations
Public relations
Notice to staff
Social events
Sponsorship
Videos and publications
Internal newsletters

Media liaison

Arrangements of conferences and functions

Press releases

Design of stationery and signage

In addition to these support series, each individual system has what is referred to as line functions, which comprise the key activities of the division. A description of the categories of records for each of Umgeni Water's line functions follows:

Chief Executive

This records keeping system contains records relating to broad decision and policy-making issues at Executive Level

Strategic planning

Regional planning

Rural planning

Organisational transformation

Liaison with external organisation

Takeovers and handovers

External business

Personal files for executive and board members

Executive management meetings

Board meetings

Presentations and addresses

Corporate Services

The function of Corporate Services include Human Resources, Property services, Supply Chain Management and Information and Communication Technology

Policy

Liaison with external organisations

Strategic planning

Appropriate technology

Property Administration

Procurements (of goods and services)

GIS standards and policy

GIS data management
GIS systems design
GIS systems maintenance
Individual GIS projects

Human Resources

The HR systems contain staff files and other documentation relating to the recruitment and remuneration of staff, as well as to staff relations.

Policy
Succession planning
Recruitment
Exit interviews
Organograms
Job description
Training
Performance management
Affirmative action plan
Remuneration and benefit
Occupational health
Staff circulars
Employee counselling
Grievances and disciplinary matters
CCMA referrals
Union's relations

Information and Communication Technology

These records relate to ICT systems establishment and support as well as to the administration of the various communication technologies and the management of the information and knowledge.

ICT project implementation
Library administration
Records management administration
Knowledge management
Technology support

Business system implementation

Intranet

Licences

Engineering Services previously called New Works

This system was designed to support the engineers responsible for the contract management of both large and small engineering projects, e.g. construction of reservoirs, pipelines, dams, etc.

Policy

Engineering project management

Contract documentation

Meetings

Progress reports

Contract administration

Cost monitoring

Servitudes

Quality assurance

Engineering surveys

Engineering design

Environmental scanning

Water resource planning

Infrastructure planning

River systems analysis

Drought and water conservation

Costing of dams and works

Total water management

Water demand and supply forecasting

Planning of water systems supply

Hydrological planning

Ground water planning

Wastewater planning

Planning of rural reticulation schemes

Engineering and Scientific Services

Records in this system relate to the laboratory's analysis of water to assure quality and to the development of new processes to deal with water and wastewater, as well as the optimisation of existing processes.

Water quality sample

Laboratory analyses

External customer analyses

Pollution measurement and control

Catchments management

Environmental management

Investigation into treatment processes

Water education services

Water Resource Planning

Operations

Umgeni Water has record keeping systems at each of the works it operates, as well as at the regional offices in Umhlali, New Germany, Park Rynie, Midmar and Mkhondeni. However similar categories are kept in each system, and relevant documentation and reports are sent to the Head Office in Pietermaritzburg. Listed below are the categories of records held by Head Office.

Operational meetings

Take-overs and hand-over

Droughts and floods

Agreements

Security services

Consumer suspensions and warnings

Water transportation and storage

Water purification

Works operations

Wastewater treatment

Loss control and metering

NOSA files safety services

Weather and dam level data

Water schedules

Monitoring centre records
Emergency plans and procedures
Fleet management services

Water Works

Water balances
Water schedules
Meter readings
Plant trials
Water standards
Works operation
Sludge treatment and disposal
Loss control

5. CATEGORIES OF RECORDS AVAILABLE WITHOUT RECOURSE TO THE ACT

Umgeni Water has a web site at www.umgeni.co.za. Available on the site are the following:

- Annual reports 1995/6-1998/9
- Environmental reports 1996-1999
- Technical and scientific reports 1995/6-1998/9
- Infrastructure Masterplan
- Flood warning and management principles (for public comment)

6. INFLUENCE ON THE FORMULATION OF POLICY

The Board of Umgeni Water accepts a final responsibility for the organisation and ensures that delegated responsibilities are properly executed by management. Since the Board has influence on the selection of top management, Board members have a direct say in the constitution of Umgeni Water's executive.

7. REMEDIES AVAILABLE TO THE PUBLIC

Should Umgeni Water, or any of its officials, seem to be derelict in their duty, or fail to fulfil their mandate, the public has recourse, in the first instance, to the Director of the Division concerned. Failure to obtain satisfaction would result in a direct appeal to the Chief Executive. If the problem is still not resolved, it should be taken to the Board of Umgeni

Water. Should this not have the desired effect, the final resort would be to the Minister of Human Settlement, Water and Sanitations.

APPENDIX 1:

ACCESS PROCEDURES

- a. A request for access to records must be made in the prescribed Form (a copy of which is attached) which should be sent to the address, fax number or electronic mail address.
- b. Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

- a. Notification of extension period (if required)

Applicant must take note that in terms of the Act 30 (thirty) days period mentioned above may be extended for further period of not more than 30 (thirty) under certain circumstances (details will be provided together with the notification of such extension)

- b. Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that the applicant is refused access the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with Court against the refusal of the application, as well as procedure (including period) for lodging such application.

- c. Grounds for refusal

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse include:

- Protecting personal information that the Company holds about a third person (who is natural person), including deceased person, from unreasonable disclosure
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interest of the Company or the third party.
- If the disclosure would endanger the life or physical safety of the individual
- If the disclosure would impair or prejudice the protection of the safety of the public
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived.

d. Records that cannot be found or do not exist

If the company has searched for records and it is believed that the records either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the records.

APPENDIX 2: LIST OF TERMS

Archival value: records with administrative, fiscal, legal evidential and or informational which justify the indefinite or permanent retention of records

Archives: records with valuable information which are in the custody of the archives repository (building where records are stored)

Current records: records which form part of the records classification system still in use.

Disposal: the action of either destroying/deleting a record or transferring it into archival custody.

Disposal authority: a written authority issued by the National Archivist specifying which records should be transferred into archival custody or specifying which records should be destroyed/deleted or otherwise disposed of.

File plan: a pre-determined logical and systematic structure into which records are arranged and intellectually stored according to subject groups and subject to facilitate efficient retrieval and disposal of records. The file plan is used for both current paper-based and current electronic correspondence systems. It usually contains the reference number, title, and description and disposal authority of files/folders held in an office.

Record: a recorded information regardless of form or medium, evidence of transaction preserved for evidential information it contains.

APPENDIX 3:

REQUEST FORM

a. REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)
[Regulation 6]

For Departmental Use: Reference No
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A Particulars of public body

The Deputy Information Officer: Umgeni Water
The Manager: Information Management

Physical Address:

310 Burger Street
Pietermaritzburg
3201

Postal Address:

P.O. Box 9
Pietermaritzburg
3200
Tel: (033) 3411014
Fax: (033) 3411084

B Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | <i>The particulars of the person who requests access to the record must be given below.</i> |
| (b) | <i>The address and/or fax number in the Republic to which the information is to be sent, must be given.</i> |
| (c) | <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i> |

Full names and surname:

Identity number

--

Postal address

Contact Telephone Number: ()

Cell Number

Telefax Number: ()

E-mail Address

Capacity in which request is made, when made on behalf of another person

--

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname

Identity number

--

D. Particulars of record

- (a) *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.*
(b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

The requester must sign all the additional folios.

1 Description of record or relevant part of the record

2 Reference number, if available

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3 Any further particulars of record

4. Reason for request

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
(b) *You will be notified of the amount required to be paid as the request fee.*
(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.*
(d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees

FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

R

(a) For every photocopy of an A4-size page or
part thereof

0,60

(b) For every printed copy of an A4-size page or part thereof
held on a computer or in electronic or machine-readable
form

0,40

(c) For a copy in a computer-readable form on -

(i) Compact disc

40,00

(d) (i) For a transcription of visual images,
for an A4-size page or part thereof

22,00

(ii) For a copy of visual images

60,00

(e) (i) For a transcription of an audio record,
for an A4-size page or part thereof

12,00

(ii) For a copy of an audio record

17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
 - (a) For every photocopy of an A4-size page or part thereof
0,60
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form
0,40
 - (c) For a copy in a computer-readable form on -
 - (i) Compact disc
40,00
 - (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof
22,00
 - (ii) For a copy of visual images
60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof
12,00
 - (ii) For a copy of an audio record
17,00
 - (f) To search for and prepare the record for disclosure R15,00 for

each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

- (2) For purposes of section 22(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

PROMOTION OF ACCESS TO INFORMATION ACT, 2000 EXEMPTIONS AND DETERMINATIONS FOR PURPOSES OF SECTION 22(8)

I, Adv. M Masutha, Minister for 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 R 14 712, 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(8) of the Act does not apply to the personal record of a requester; and
 - (iii) the request fee contemplated in section 22(l) 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 inquiry 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.

SCHEDULE

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 installments to the maximum of R12000,00 per annum;
 - (g) maintenance paid in terms of a court order; and
 - (h) school fees, except school fees paid to a private school.

Adv. M. Masutha

Minister for Justice and Constitutional Development