

CALLING ALL MUNICIPAL MANAGERS!

It is YOUR job to enable access to information

The Constitution, the Promotion of Access to Information Act, 2000 (PAIA) and various laws regulating local government place a duty on you to ensure that:

Records are created and maintained by your municipality,¹ so as to provide the public with "timely, accessible and accurate information".²



Your municipality makes certain records **automatically available to the public** without the need for PAIA request, including:

Integrated Development Plans³

Annual reports by the municipality⁴ and all quarterly reports tabled in the council⁵

Notices of dates and venues of council meetings⁶

By-laws, as compiled into the Municipal Code⁷

Annual and adjustment budgets and all budget-related documents and policies⁸

Performance agreements⁹

Public-private partnership agreements, service delivery agreements, long-term borrowing contracts, and supply chain management contracts above a prescribed value.

1. Section 117 of the Municipal Systems Act 2. Section 195 of the Constitution 3. Section 25(4)(a)(i),(ii) and (b) of the Municipal Systems Act 4. Section 44(3)(g)(h) of the Municipal Structures Act 5. In terms of sections 75 and 52(d) of the Municipal Finance Management Act 6. Dates and venues must be made available in terms of section 19(2) of the Municipal Systems Act 7. Section 162 of the Constitution and section 13 of the Municipal Systems Act 8. In terms of section 75 of the Municipal Finance Management Act 9. In terms of section 75 and 120 of the Municipal Finance Management Act

The Constitution, the Promotion of Access to Information Act, 2000 (PAIA) and various laws regulating local government place a duty on you to ensure that:

All records of the municipality that *must* be made available to the public are made **accessible** through the **municipality's offices** and **libraries**. Digital copies of these records must also be made available through either the **municipality's official website**, or on an organised local government website sponsored or facilitated by the National Treasury.¹⁰



Your municipality creates and makes readily available a **PAIA Manual**¹¹ to help people to understand what information is available from the municipality and how to access it. **Failure to do so can lead to you personally being fined or imprisonment for up to two years.**¹²



Decisions taken by your municipality about whether to grant or deny access to information when receiving formal PAIA requests **are taken in line with PAIA** – if your municipality fails to take compliant decisions you will personally be cited in court papers and complaints to the Information Regulator.



Your municipality hands **appeals made by requesters** against its decisions under PAIA to the Mayor or Speaker – a failure to do so (or a failure to provide a decision) means that the law deems the Mayor / Speaker to have denied the appeal and the requester can then take the Mayor / Speaker to court.



Your municipality accounts to the **Auditor General** on its compliance with records management obligations.¹³



You have designated as many **deputy information officers** as are necessary to ensure effective access to information.¹⁴



Your municipality **provides a report** to the Information Regulator on its compliance with PAIA¹⁵ – failure to do so will be reported to Parliament.



YOU CAN BE HELD ACCOUNTABLE!

Access to Information remains a key performance area in the Management Performance Assessment Tool (MPAT) used to assess whether you are doing a good enough job!

10. In terms of section 21 of the Municipal Systems Act 11. Section 14 of PAIA 12. Section 90(2) of PAIA 13. Section 45(b) of the Municipal Systems act. 14. Section 17(1) of PAIA 15. Section 32 of PAIA