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MR. L. LONDON
VIA EMAIL:

25 AUGUST 2020

Dear Mr. London

SECTION 25 NOTICE OF DECISION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ["PAIA"]: REQUEST FOR ACCESS TO 'RECORDS WHICH RELATE TO ELECTRIC CABLE DAMAGE AT 289 LOWER MAIN ROAD, OBSERVATORY

I refer to the above matter and the decision below in respect of a request for records which was submitted in terms of the Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as 'the Act').

You requested the following information.

D. PARTICULARS OF RECORD(S)	
(a)	Provide full particulars of the record(s) to which access is requested, including the reference number if it is known to you, so that the record can 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 additional folios.	
1.	DESCRIPTION OF RECORD OR RELEVANT PART OF RECORD
<p>All recordings, which include transcripts of all oral and written proceedings and supporting documents; copies of all documents, which include written communications of whatever nature, including reports of any investigations, and details of WhatsApp and text messages; minutes or records of committee meetings and reports, relating to the reporting, investigation and subsequent action to remedy and hold any persons accountable regarding an incident on 21st February 2020 in which underground electrical cabling was damaged by contractors working at on a development at 289 Lower Main Rd, Observatory.</p> <p>All such records described above to be made available to me for inspection and for copies thereof to be provided.</p>	

Reporting

Kindly find enclosed herewith a copy of the reporting record of the incident. Insofar as this record is concerned, your attention is drawn to the fact that the information which is redacted (severed), consists of information which is unrelated to this request.

Investigation; action taken to remedy and hold persons responsible

Access to the above records is partially granted. The records have been severed in terms of section 28 of Act which stipulate as follow:

'If a request for access is made to a record of a public body containing information which may or must be refused in terms of any provision of Chapter 4 of this Part, every part of the record which-

- (a) does not contain; and*
- (b) can reasonably be severed from any part that contains, any such information must, despite any other provision of this Act, be disclosed.'*

Parts of the records in my view do not fall under chapter 4 of the Act, and such parts are therefore partially disclosed; also because it could be severed from the personal information in terms of section 28 as reflected above.

Access is partially refused because in my view the information recorded in these records contain personal information the release of which, in my view would amount to an unreasonable disclosure of personal information of a third party. In doing so, the protection afforded by the Act in respect of this type of records is given effect to; access is therefore refused in terms of sections 34(1) of the Act.

In terms of the Act '*personal information*' means information about an identifiable individual, including, but not limited to-

- (a) ...;*
- (b) ...;*
- (c) any identifying number, symbol or other particular assigned to the individual;*
- (d) the address, fingerprints or blood type of the individual;*
- (e) ...;*
- (f) ...;*
- (g) ...;*
- (h) ...;*
- (i) 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.' **[own emphasis]**

Access to records is granted by way of A4-size records and are enclosed herewith.

Your attention is drawn to section 25(3) of the Act which stipulates that when access to records is refused, reference to the content of the records is excluded.

If you are not satisfied with the above decision you may lodge an internal appeal in terms of section 74(1) of the Act within 60 days of receipt hereof. Your appeal notice must identify the subject matter of the appeal and state the reasons for the appeal and may include any other information known by you. All appeals must be submitted for attention, the Speaker and addressed to the Legal Services Department: Access to Information Unit at access2info.act@capetown.gov.za.

Yours faithfully



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DEPUTY INFORMATION OFFICER (Delegated in terms of section 17(1) of the Promotion of Access to Information Act 2 of 2000)