

KAKAMAS BELANGEGROEP

21 April 2026

The Municipal Manager
Kai !Garib Local Municipality
Kakamas

By hand

Dear Mr Isaacs

Re: Lodgement of internal appeal in terms of section 74 of PAIA

Please find enclosed the appellant's **Form 4 internal appeal**, together with **Annexure A: Memorandum in support of internal appeal under section 74 of PAIA** and the supporting documents referred to therein.

This appeal is delivered to you in your capacity as Information Officer for onward transmission to the relevant appeal authority in accordance with PAIA.

Kindly acknowledge receipt of this appeal in writing and ensure that it is forwarded without delay to the relevant authority.

Yours faithfully



Jaco Visser
for Kakamas Belangegroep

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

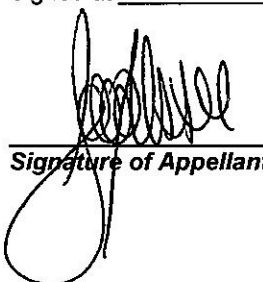
PARTICULARS OF PUBLIC BODY			
Name of Public Body	Kai !Garib Local Municipality		
Name and Surname of Information Officer:	Obakeng Isaacs		
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full Names	Abraham Jacobus Visser		
Identity Number	840608 5106 087		
Postal Address	Posbus 577, Kakamas, 8870		
Contact Numbers	Tel. (B)	054 431 1036	Facsimile
	Cellular	072 235 5419	
E-Mail Address:	kakamasbelangegroep@gmail.com		
Is the internal appeal lodged on behalf of another person?	Yes	☐	No ☒
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED (If lodged by a third party)			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address:			

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	X
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
GROUND FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	This internal appeal is lodged against the deemed refusal of the appellant's PAIA request dated 7 February 2026. The request was submitted on the prescribed Form 2, with a detailed annexure identifying the records sought. No substantive decision was furnished within the statutory period, no lawful extension was communicated, and access was not granted. The full grounds of appeal appear in Annexure A attached hereto.
State any other information that may be relevant in considering the appeal:	The appellant has followed the PAIA process in an orderly and lawful manner. The original request was submitted on 7 February 2026. The statutory response period expired on 16 March 2026. A written final notice was then sent on 10 April 2026. This appeal is lodged within the 60-day period contemplated by PAIA. Annexure A contains the chronology, legal basis, and relief sought

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>
		kakamasbelangegroep@gmail.com

Signed at KAKAMAS this 21ST day of APRIL 2026


Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes ☐ No ☐
OUTCOME OF APPEAL				
Refusal of request for access: Confirmed?	Yes	☐	New decision <i>(if not confirmed)</i>	
	No	☐		
Fees (Sec 22): Confirmed?	Yes	☐	New decision <i>(if not confirmed)</i>	
	No	☐		
Extension (Sec 26(1)): Confirmed?	Yes	☐	New decision <i>(if not confirmed)</i>	
	No	☐		
Access (Sec 29(3)): Confirmed?	Yes	☐	New decision <i>(if not confirmed)</i>	
	No	☐		
Request for access granted: Confirmed?	Yes	☐	New decision <i>(if not confirmed)</i>	
	No	☐		

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

ANNEXURE A

Memorandum in support of internal appeal under section 74 of PAIA

In the internal appeal by:

Kakamas Belangegroep

represented by **Jaco Visser**

Against:

Kai !Garib Local Municipality

1. Introduction

- 1.1. This memorandum is filed in support of the internal appeal lodged on Form 4 against the deemed refusal by Kai !Garib Local Municipality to decide the appellant's request for access to records submitted in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA"). Form 4 is the prescribed form for an internal appeal against a public-body decision of this kind.
- 1.2. In terms of the Information Regulator's PAIA Guide, an internal appeal may be lodged against a decision, or deemed refusal, of a national, provincial or local sphere of government, including a municipality. The Guide further records that if the body fails to respond to a request within 30 days, or within any validly extended period, the requester may file an internal appeal before approaching the Information Regulator or a court.
- 1.3. The appellant accordingly files this appeal because the Municipality failed to make a lawful decision on the request within the period prescribed by PAIA, failed to grant access, and failed to communicate any valid extension. The result in law is a deemed refusal. The PAIA Guide defines a failure to respond within the prescribed period as a deemed refusal.

2. The parties and the appeal authority

- 2.1. Kai !Garib Local Municipality is a public body in the local sphere of government. In relation to a municipality, the Information Officer is the municipal manager or the person acting as such.
- 2.2. This internal appeal is directed to the relevant appeal authority contemplated by PAIA. The PAIA Guide states that, in the case of a municipality, the relevant authority is the mayor, the speaker, or any other person designated in writing by the municipal council.
- 2.3. The internal appeal is properly delivered to the Information Officer for onward transmission to the appeal authority. The Guide and the Manual both state

that the appeal must be submitted to the Information Officer, who must forward it to the appeal authority within 10 working days after receipt.

3. Procedural history and compliance with PAIA

- 3.1. On 7 February 2026, the appellant submitted a formal request for access to records in terms of PAIA to the Municipal Manager, together with the prescribed Form 2 and a detailed annexure identifying the records sought. The request related to contracted water and related municipal services.
- 3.2. The attached PAIA request was procedurally proper. The PAIA Guide provides that a request to a public body must be made on Form 2 and must contain sufficient detail to enable the Information Officer to identify the requested records. The Guide further states that, if the space on the form is inadequate, further signed pages may be attached.
- 3.3. That is exactly what the appellant did. The request identified the public body, the Information Officer, the requester, the date range, the geographical areas affected, the categories of records sought, and the preferred form of access. It sought, among other things, records relating to procurement initiation, tender and quotation documentation, bids and evaluations, adjudication and award, contracts and service level agreements, contract management correspondence, service delivery and performance evidence, financial and payment records, and quality, compliance and oversight records relating to water services. It also requested access in electronic format where reasonably possible.
- 3.4. On 8 February 2026, receipt of the request was acknowledged by the municipal manager, Obakeng Isaacs. However, no substantive decision followed.
- 3.5. The statutory response period expired on 16 March 2026. The final notice sent on 10 April 2026 recorded that expiry and recorded that no substantive response and no extension had followed.
- 3.6. The appellant thereafter gave the Municipality a further written opportunity to comply by sending the final notice dated 10 April 2026. That step was not legally required to perfect the appeal, but it was taken in good faith and in keeping with the written follow-up practice encouraged in the PAIA Guide. The Guide states that a requester can make a follow-up action in writing on a pending decision, and that written correspondence is encouraged for future reference purposes.
- 3.7. This internal appeal is now lodged within the 60-day period allowed by PAIA after the deemed refusal. The Guide and the Manual both record that an internal appeal must be lodged within 60 days after the decision was taken.

3.8. The appellant accordingly records expressly that it has followed the law and the prescribed sequence of steps. It used the prescribed request form, identified the records with adequate particularity, awaited the expiry of the statutory period, followed up in writing, and has now filed this appeal within the statutory appeal period.

4. Grounds of appeal

- 4.1. The internal appeal is brought against the Municipality's refusal of access, constituted in law by its deemed refusal to decide the request within the statutory period. The PAIA Guide states that, where a municipality fails to respond within 30 days or any extended period, the requester may file an internal appeal.
- 4.2. No lawful written refusal was issued. No reasons were given. No provision of PAIA was identified as a ground for refusal. No partial access was granted. No lawful extension was communicated within the original response period. The Guide states that the Information Officer may extend the 30-day period only once and only on recognised grounds, and that the requester must be informed of the extension, the reason for it, and the period of extension.
- 4.3. The Municipality's failure to decide the request is therefore procedurally defective and unlawful under the PAIA framework as explained in the Information Regulator's Guide.
- 4.4. The request itself was clear, focused and capable of being answered. It did not call for speculation, explanation, or the creation of new documents. It called for existing records held by or under the control of the Municipality concerning contracted water and related municipal services. The Guide explains that a record means any recorded information, regardless of form, that is in the possession or under the control of the public body, whether or not it created that record.
- 4.5. The requested records concern public procurement, the expenditure of public funds, the discharge of basic municipal service obligations, and the legality and accountability of outsourced municipal service delivery. These are central matters of public administration and public accountability, not peripheral internal curiosities. The PAIA Guide emphasises that the right of access to information promotes transparency, accountability and effective governance and helps the public scrutinise and participate in decision-making by public bodies that affects their rights.
- 4.6. The request was made in good faith and for a legitimate public-interest purpose. The original Form 2 annexure expressly linked the request to the rights of residents within Kai !Garib Local Municipality to sufficient water, to

an environment not harmful to health or wellbeing, and to lawful, accountable and transparent local government. The final notice likewise recorded that the records sought relate directly to water services, public expenditure, and constitutional and statutory obligations.

- 4.7. In the circumstances, the deemed refusal cannot be sustained. The proper outcome is that the refusal be set aside and access be granted.

5. Preservation of records

- 5.1. The appellant further places on record that the Municipality is under a duty to preserve the requested records pending final determination of this internal appeal and any further lawful process. The PAIA Guide states that, where internal appeal is applicable, the Information Officer must take reasonably necessary steps to preserve the record and may not delete or destroy any requested record until internal-appeal proceedings, a complaint to the Regulator, or court proceedings, as the case may be, are finally determined.
- 5.2. The Municipality is therefore called upon to ensure immediately that no record falling within the scope of the request is deleted, destroyed, altered, removed, or otherwise rendered unavailable.

6. Subsequent enforcement position

- 6.1. This appeal is the correct next step in law. The PAIA Guide states that, in relation to a request directed to a public body in the national, provincial or local sphere of government, the requester must first pursue the internal appeal before approaching the Regulator or the court.
- 6.2. If the internal appeal is unsuccessful, or if no decision is given within the applicable period, the appellant reserves the right to proceed further in terms of PAIA. The Guide states that if the appeal authority fails to give notice of the decision within 30 days, the appeal is deemed dismissed and the requester may then proceed to the Information Regulator or to court.
- 6.3. The Rules of Procedure of the Information Regulator indicate that, once a complaint is lodged, the Regulator may investigate the complaint, conduct a pre-investigation, seek information from the responsible party, and require cooperation from that party. Those Rules also provide for information notices and enforcement notices in the subsequent complaint process.
- 6.4. The appellant accordingly reserves all rights to pursue the next statutory remedies should this internal appeal not be upheld.

7. Relief sought

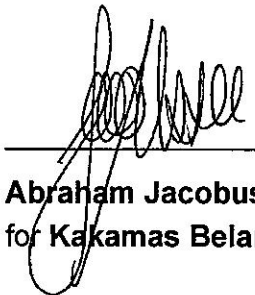
7.1. The appellant requests that the appeal authority:

- 7.1.1. uphold the internal appeal;
- 7.1.2. set aside the deemed refusal of the appellant's PAIA request dated 7 February 2026;
- 7.1.3. direct the Municipality to grant full access to the records requested in the Form 2 request and annexures;
- 7.1.4. direct that such access be provided in electronic form where reasonably possible, as originally requested; and
- 7.1.5. direct the Municipality to preserve all records falling within the scope of the request pending final implementation of the appeal decision and any further lawful process.

8. Conclusion

- 8.1. The appellant has followed the PAIA process carefully, lawfully and in the correct order. The Municipality did not do so. The request was properly made, clearly framed, and followed up in writing. The Municipality nevertheless failed to take a lawful decision within the statutory period and failed to furnish access, reasons, or a valid extension.
- 8.2. This internal appeal is therefore both procedurally proper and substantively well-founded. It should be upheld.

Signed at KAKAMAS on this 21ST day of APRIL 2026.



Abraham Jacobus (Jaco) Visser
for Kakamas Belangegroep