



Harry Gwala District Municipality

CONFIDENTIALITY POLICY

HGDM

2026-27

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1. INTRODUCTION

1.1 The Harry Gwala District Municipality is a multi-faceted organisation of much complexity and subject to a myriad of protocols.

1.2 Accordingly, employees of the Harry Gwala District Municipality will, in the course of their duties and their dealings be required to have access to multiple sources of information, m u c h of which shall be required to be maintained as highly confidential as far as is reasonably practicable.

1.3 The use of such information shall only be used in carrying out or fulfilment of one's duties and under no circumstances such information shall be made public except in circumstances where the bearer of such information obtained a written approval from the Accounting Officer, or any person acting in that capacity, or any person so delegated by the Accounting Officer to make or as a result of a court order.

2. PURPOSE

2.1 To promote or inculcate a culture of keeping high levels of confidentiality, honesty and integrity.

2.2 To provide mechanisms and regulate the manner in which confidential information kept by the Municipality or information employees are exposed to or come into contact with, by virtue of the positions they hold as employees of Harry Gwala District Municipality, is used for or lawfully processed.

2.3 The policy further provides for processes and procedures for safe keeping of confidential information, and establish or prescribe the minimum conditions in which confidential information may be divulged to a third party or lawfully processed and harsh punishment for non-compliance or breach thereof, and

2.4 To provide for the matters connected therewith.

3. **SCOPE AND APPLICATION**

3.1 This policy applies to all employees of the Council, exercising their powers or performing their duties on behalf of Council and the municipality, including senior management and EPWP or CWP.

4. **DEFINITIONS**

"Code"

means Code of Conduct for Municipal staff members, laid down in Schedule 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

"Confidential" in relation to information, document or other matters connected thereto shall include:

- (a) Any information, document or other matter communicated in confidence.
- (b) For the purposes of this policy, information, a document or other matter is communicated in confidence if it is communicated on terms requiring it to be held in confidence or in circumstances in which the person communicating it could reasonably expect that it would be held in confidence.

"Disclosure"

includes, to make known in an active and/or passive manner by commission or omission, directly or indirectly, in written or oral form, any information, and in relation to a

document or other physical form of information, shall include parting with possession of it.

"Employee"

means any person, excluding an independent contractor, who works for the Harry Gwala District Municipality and who receives or is entitled to receive any remuneration.

"Employer"

means the Council of the Harry Gwala District Municipality.

"Executive Management"

shall mean the Municipal Manager and Senior Managers.

"Full-time employee"

means someone who is in the employ of the Municipality and who is working 40 hours per week.

"Directors"

shall mean all appointees in terms of section 56 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

"Information"

includes, but is not limited to, information described in the Code of Conduct for municipal staff members, item 6, as "privileged or confidential information", there said to include any information·

(a) Determined by the Municipal Council, committee, or any structure or functionary of the municipality to be privileged or confidential.

(b) Discussed in closed session by the Council Committees.

(c) Declared to be privileged, confidential or secret in terms of law. "Labour Organisations" means Harry Gwala District Municipality recognised Trade Unions.

"Municipal Manager"

shall mean a person appointed by the Municipal Council as the Municipal Manager for the municipality in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

"Municipality"

means the Harry Gwala District Municipality.

"Part-time Employee"

means someone who is in the employ of the Municipality and is working less than 40 hours per week.

"Permanent Employee"

means an employee, excluding a contract employee and a temporary employee, occupying a post on the approved staff establishment of the Council in a permanent capacity, whether full-time or part-time, and includes a person appointed in such post for a probationary period.

"Staff member"

shall mean the employees of the Harry Gwala District Municipality, including the Municipal Manager.

"Temporary Employee"

means an employee, excluding a contract employee, appointed to a post on the approved staff establishment of the Council in a temporary capacity, whether full-time or part-time, for a continuous period not exceeding 3 (three) years.

"Workplace"

refers to the place of work as contemplated in the Labour Relations Act, 1995 (Act No. 66 of 1995).

"Unauthorised Person"

any unauthorised persons including internal stakeholders excluding members of the Municipal Council

All terminology not defined under paragraph 4 of this policy shall bear the same meaning as in the applicable legislation.

5. LEGAL FRAMEWORK

5.1 This policy and its application must be in accordance with the following legislative prescripts:

5.1.1 The Constitution of the Republic of South Africa, 1996.

5.1.2 The Local Government: Municipal Structures Act 117 of 1998.

5.1.3 The Labour Relations Act, 1995 (Act No. 66 of 1995).

5.1.4 The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

5.1.5 The Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).

5.1.6 All relevant Collective Agreements operational with the Local Government Sector.

5.1.7 Promotion of Access to Information Act 2, 2000

6. CONFIDENTIALITY

6.1 Staff members shall not, without permission, disclose any information of the Municipality to any unauthorized person or third parties.

6.2 Staff members shall use information which is disclosed or otherwise made available to them or so collected or kept, only for the express or intended purpose only for which it is disclosed or made available and for no other purpose whatsoever to the detriment of the Municipality.

6.3 Any information employees became aware of, in the course of their duties, be it, confidential or not, is wholly owned by the Municipality and the data subject. Therefore, no other person or employee may use, process or disclose such information for any other purposes than its intended purpose without the necessary approval by the person so delegated and shall be considered as a serious breach of this policy or transgression which might lead to disciplinary action.

6.4 Any information so used, processed or disclosed must be to the furtherance and promotion of the interests of the Municipality or considered to be beneficial to the Municipality or promote orderliness and good governance of the institution.

6.5 Any conduct, by any employee contrary to the provisions above, including but not limited to, clause 6.1-6.4 of this policy, shall invite disciplinary measures taken against the employee so transgressed.

6.6 All the employees of the Harry Gwala District Municipality shall be expected to sign an undertaking (see annexure 'A') to maintain confidentiality at all material times and never use any information to their disposal to the detriment of the Municipality without the necessary approval as contemplated by this policy or any legislation pertaining to lawful processing and use of information known to employees as a result of their position in the Municipality.

6.7 By adopting this policy and signing 'Annexure A' which is an undertaking by all the Municipal employees to maintain confidentiality at all material times, during and after their employment by the Harry Gwala District Municipality, tacitly or expressly agreed to amend their contracts of employment and bind same. In so doing, commit to never disclose any information regarded as confidential regarding the employees of the Municipality, Third Parties or any person involved or doing business with the Municipality without the necessary or written or express approval from the person so authorized. Unless such disclosure is authorized for the purposes of performance of one's duty, furtherance of the Municipal' interests and it is not reasonably and practicable to obtain

such approval as mentioned above and or sanctioned by any legislation or Promotion of Access to Information Act 2 of 2000 as Amended or the court of law.

6.8 Nothing in this Policy shall derogate from the right(s) of members of the public to gain access to information as provided for in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) or any other applicable law as long as such disclosure does not infringe or violate the rights of the data subject or complies with the legislative provisions.

7. PROCEDURES FOR OBTAINING AN APPROVAL

Any person who intends to use, process and disclose confidential information of the Municipality, must apply in writing to the person so delegated stating the reason or purpose the use, processing or disclosure is for.

8. GOOD FAITH

8.1 Pursuant to the common law duty' to be honest to their employer (this duty applies to the employer too) Staff members shall at all material times and specifically in relation to their dealings with information, act in good faith and in the best interest of the Harry Gwala District Municipality and refrain from engaging in any conduct that may be construed as the breach of trust embedded in the employment contractor employment relationship. Such conduct will be frowned upon by the Council or Management. Consequently, lead to a possible dismissal or termination of the contract of employment.

9. CONTINUATION OF OBLIGATION(S)

9.1 The obligation to maintain confidentiality of information shall continue beyond the period of the staff member's employment with the Municipality, or for as long as is reasonably practicable, regardless the reason for the termination of employment.

9.2 Upon termination of the employment, the staff member shall return all information in the form of documents, reports, manuals, correspondence, computer

programmes and storage devices, or any other form of information and all copies thereof acquired during the period of employment, to the Division Human Resources of Harry Gwala District Municipality.

9.3 All policies and or documents developed by the said employee while in the employ if such document was developed for purposes of that employee fulfilling his or her duties as the employee of the Municipality, shall remain the intellectual property of the institution.

10. DISPUTE RESOLUTION MECHANISM

If there is any grievance/dispute that may arise regarding the interpretation/application of this policy, it shall be handled in terms of the grievance procedure of the Harry Gwala District Municipality.

11. COMMENCEMENT OF THIS POLICY

This policy will come into effect on the date of adoption by the Council.

12. INTERPRETATION OF THIS POLICY

12.1 Any dispute on interpretation of this policy shall be declared in writing by any party concerned.

12.2 The Municipal Manager shall give a final interpretation of this policy in case of written dispute.

12.2 If the party concerned is not satisfied with the interpretation, a dispute may then be pursued with the South African Local Government Bargaining Council/ Arbitration.

13. PERMANENT/TEMPORARY WAIVER OR SUSPENSION OF THIS POLICY

13.1 This policy may be partly or wholly waived or suspended by the Municipal Council on a temporary or permanent basis, after consultation with Management and Trade Unions.

13.2 Notwithstanding clause 13.1 the Municipal Manager may under Circumstances of emergency temporarily waive or suspend this policy subject to reporting of such waiver or suspension to Council and Trade Unions.

14. AMENDMENT AND/OR ABOLITION OF THIS POLICY

This policy may be amended or repealed by the Council after consultation and interaction with Management and Trade Unions.

15. COMPLIANCE AND ENFORCEMENT

15.1 Violation of or non-compliance with this policy will give a just cause for disciplinary steps to be taken.

15.2 It will be the responsibility of all Managers, Supervisors, Executive Committee and Council to enforce compliance with this policy.

16. CONSEQUENCE OF NON-COMPLIANCE

A failure to comply with the policy will be viewed as a serious disciplinary transgression and appropriate disciplinary action will be sanctioned in line with the disciplinary code of conduct of the municipality.

17. POLICY ADMINISTRATION

Responsibility and authority to implement this Policy resides with the Municipal Manager or his/her delegated manager(s). This responsibility includes communication of the Policy and related procedures. Any questions should be directed to the Municipal Manager Department.

This Policy shall come into effect on 01 July 2026 once approved by the council.

Policy section:	
Approval by council:	