

PROTECTION OF PERSONAL INFORMATION POLICY FOR 2025/2026 FY



APPROVED BY:

MR M NAKO

MUNICIPAL MANAGER

DATE: 19/06/2025

APPROVED BY:

CLLR JANDA

EXECUTIVE MAYOR

DATE: 19/06/2025

Contents

1.	TITLE.....	3
2.	BACKGROUND.....	3
3.	PURPOSE.....	3
4.	DEFINITIONS AND ABBREVIATIONS.....	4
5.	SCOPE.....	5
6.	LEGISLATIVE FRAMEWORK.....	5
7.	POLICY DETAIL.....	6
7.1	LAWFUL PROCESSING OF INFORMATION.....	6
7.2	GENERAL GUIDELINES.....	7
7.3	SHARING OF PERSONAL INFORMATION.....	8
7.4	REQUEST TO ACCESS PERSONAL INFORMATION (DATA SUBJECTS).....	8
7.5	COMPLAINTS PROCEDURE.....	9
7.6	BREACHES OF THE POPI ACT.....	10
7.7	MUNICIPAL WEBSITE.....	10
8.	ROLES AND RESPONSIBILITIES.....	10
9.	MONITORING AND EVALUATION.....	11
10.	SUPPORTING DOCUMENTS.....	12
11.	REVIEWAL.....	12
12.	APPENDIX.....	13

1. TITLE

PROTECTION OF PERSONAL INFORMATION POLICY.¹

2. BACKGROUND

The Mbashe Local Municipality is fully aware that the POPI Act gives effect to the constitutional right to privacy and regulates the manner in which personal information may be processed and provides rights and remedies to personal information.

Mbashe Local Municipality realizes that the main rationale of the POPI Act is to promote the protection of personal information in any form by a responsible party who is domiciled in South Africa or if not domiciled in South Africa, who makes use of automated or non-automated means, unless the processing relates only to the forwarding of personal information.

This Policy ensures that the Municipality complies with the POPI Act.

This Policy furthermore protects the municipality from the risks of security breaches in any form; and

This Policy raises awareness through training and providing guidance as to who may process information.

3. PURPOSE

The purpose of this policy is to ensure that Mbashe Local Municipality complies with the Constitution right to privacy (section 14)² as well as POPI Act, with regards to the safeguarding of personal information and the regulation and processing of personal information.

¹ Protection of Personal Information Policy (POPI Act), August 2021.

² Section 14 of the Constitution of the Republic of South Africa, 1996.

4. DEFINITIONS AND ABBREVIATIONS

In this policy, unless the context indicates otherwise;

"Administration" means the municipal administration of the Mbhashe Local Municipality

"Biometric" means a technique of personal identification that is based on physical, physiological, or behavioral characterization, including fingerprinting DNA analysis, retinal scanning, voice recognition and etc.

"Data subject" means any person whom personal information relates.

"The municipality" means the Mbhashe Local Municipality

"Information Officer" means the person registered with Information Regulator who is responsible for ensuring that the organization complies with POPI Act.

"Personal Information" means information about any identifiable individuals including but not limited to

- a) Information relating to race, gender, sex, pregnancy, marital status, national ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being and physical or mental health, well-being , disability, region, conscience, belief, culture, language, Identity document/passport number, phone number, email address, financial information, physical address, date of birth, criminal record and private correspondence.
- b) Information relating to educational or medical, employment and criminal and employment history of the individual or information relating to financial transactions in which the individual has been involved and.
- c) The name of the individual, where it appears with other personal information relating to individuals, where disclosure of the name at itself would reveal information about an individual;

"POPI Act" means Protection of Personal Information Act No. 4 of 2013, as amended;

"Public Body" means any department within the municipality, including political officers or any other functionary or institution when exercising a power or performing a duty in terms of the constitution or exercising a public power or performing a public function in terms of any legislation.

"Processing" means any operation or activity or any set of activities, whether or not by automatic means, concerning personal information, including.

- a) The collecting, receipting, recording, organizing, collation, storing, updating or modification, retrieval, alteration, consultation or use;
- b) Dissemination by means of transmission, distribution or making available in any other form; or
- c) Merging, linking, as well as restriction, degradation, erasure, or destruction of information

"Responsible party" means a member of public or private body or any other person which alone or in conjunction with others determines the purpose of and means for processing personal information

5. SCOPE

This Policy applies to all employees and the councillors; and to any other person or entity working for or on behalf of the municipality.

6. LEGISLATIVE FRAMEWORK

The Constitution of the Republic of South Africa, 1996

Protection of Personal Information Act (Act no. 4 of 2013) as amended

Promotion of Access to Information Act (Act no. 2 of 2000)

Electronic Communications and Transaction Act (Act no. 25 of 2002)

National Archives and Records Service South Africa (Act no. 43 of 1996)

7. POLICY DETAIL

7.1 LAWFUL PROCESSING OF INFORMATION

- 7.1.1 The municipality collects personal information for various reasons in order to fulfil its mandate. The residents are obliged to share their personal information with the municipality and employees too.
- 7.1.2 The procedure of processing the personal information refers to the collection, recording, organizing, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking including inaccessibility, erasure, or destruction of personal interest.
- 7.1.3 When collecting personal information, the municipality will inform the data subject what the purpose for the collection is and inform the data subject regarding.
- a) Whether the information to be collected is a voluntary or mandatory information.
 - b) The consequences should the data subject fail to provide the information
 - c) Whether a legal authority requires the collection of information sought or whether the information needs to be transferred to another source of person.
- 7.1.4 The municipality will always ensure that the personal information is processed in a lawful manner by ensuring that the data subject is aware of the data to be collected and that the data subject consents to the collection of such personal information.
- 7.1.5 All employees of the Municipality have a responsibility to ensure that personal information of data subjects is collected, stored and handled appropriately and to ensure confidentiality, integrity and availability thereof.
- 7.1.6 Each department within the municipality that handles personal information must ensure that it is handled and processed in line with this Policy and privacy principles.
- 7.1.7 The Information Officer (generally the municipal manager, unless otherwise appointed or delegated), is ultimately responsible for ensuring that the municipality meets its legal obligations pertaining to personal information of data subjects.

7.2 GENERAL GUIDELINES

7.2.1 The following guidelines are applicable to all staff and councillors of the municipality, including those working for or representing the municipality:

- a) Access to any personal and confidential information are available to the parties who need it to complete their duties;
- b) Personal Information should not be shared informally and must never be shared over any media and social media platforms;
- c) Training, if needs be, will be provided to employees or councillors to understand their responsibilities when handling personal information.
- d) All personal information must be kept secure and not be disclosed to unauthorised individuals within the municipality or externally.
- e) Required personal information must be reviewed at regular intervals and updated accordingly. If no longer required, it should be deleted or disposed of in line with instructions from the Information Officer or his delegate.

7.2.2. In addition, the Information Officer or his delegate, must take reasonable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary. In taking steps aforementioned, the Information Officer, or his delegate, must have regard to the purpose for which personal information is collected or further processed.

7.2.3. The Information Officer must maintain the document of all processing operations under his responsibility as referred for which to in section 14 of the Promotion of Access to Information Act (PAIA).

7.2.4. All personal information collected from data subjects, where practical, must be in compliance with the POPI Act.

7.2.5. The municipality may collect and process personal information for the following reasons, but not limited to:

- a) employment and remuneration and other human resources needs;
- b) process benefits i.e., Medical aid and pension fund;
- c) tender bids and quotations;
- d) agreements and contracts signed with the municipality.
- e) communication streams
- f) database for essential services, indigent support and housing;
- g) responses to inquiries, complaints and requests;

- h) community consultation and feedback;
- i) security background checks;
- j) reports to council for bad debt;
- k) disclosures of any nature; and
- l) audit reports.

7.3 SHARING OF PERSONAL INFORMATION

7.3.1 The Municipality shall only share personal information if the municipality has obtained consent in writing from data subject.

7.3.2 Notwithstanding the aforementioned, personal information held by the municipality may be shared with the stakeholders or for reasons indicated herein below for official purposes:

- a) the SARS;
- b) medical aids and Pension funds;
- c) financial institutions for remuneration purposes and payments
- d) in response to a request for information by a legitimate authority in accordance with or as required by any applicable law, regulation or legal process;
- e) where necessary, to comply with juridical proceedings, court orders; and
- f) to protect the rights, property, or safety of the municipality or others, or as otherwise required by any applicable law.

7.4 REQUEST TO ACCESS PERSONAL INFORMATION (DATA SUBJECTS)

7.4.1 Data subjects have the right to request what personal information the municipality holds of them and has the right to object to the processing of his/her personal information and may submit a complaint to the Information Officer regarding any infringement of any rights protected under the POPI Act.

If data subjects wants to access to the following information held by the municipality, the following process must be followed;

7.4.2 The Data will be provided with a Personal Information Request from which must be completed;

Upon receipt of the Personal Information Request, the information officer must verify the identity of the data subject seeking access and must acknowledge receipt of the request within 3 (three) days of receipt;

Any such request for an access to personal information will be dealt with by the Information Officer who shall respond within a reasonable time and no later than 30 (thirty) days of the request date;

- a) All requests for access to personal information will be dealt with and considered against the PAIA manual of the municipality.
- b) The Information Officer may or must refuse, as the case may be, to disclose any information requested in terms of section 1(b) of the POPI Act to which grounds for refusal of access to records set out in the applicable sections of Chapter 4 of Part 2 and Chapter 4 of Part 3 of the Promotion of Access to Information Act (PAIA) apply.
- c) The provisions of sections 30 and 61 of the PAIA are applicable in respect of access to health or other records.

7.5 COMPLAINTS PROCEDURE

7.5.1 Data subjects have the right to complain in instances where any other rights under the POPI Act have been infringed upon.

7.5.2 The following complaints procedure must be followed by any aggrieved data subject:

- a) Complaints in terms of the POPI Act must be submitted to the municipality in writing. Where so required, the information Officer must provide the data subject with a POPI Act Complaint Form
- b) The Information Officer will provide the complaint with a written acknowledgement of receipt of the complaint within 3 (three) days;
- c) The Information Officer will carefully consider the complaint and address the complaint's concerns in considering the complaint, Information Officer will endeavour to resolve the complaint in a fair manner and in accordance with the principles outlined in the POPI Act;
- d) The Information Officer must also determine whether the complaint relates to an error or breach of confidentiality that has occurred and which may have a wider impact on the municipality;
- e) Where the Information Officer has reason to believe that the personal information of the data subjects has been accessed or acquired by an unauthorised person, the Information Officer will inform the data subject and the information regulator of this breach;
- f) The Information Officer will revert to the complainant with a proposed solution with the option of escalating the complaint to the municipality's council through the relevant

structures within 20 (twenty) working days of receipt of the complaint. In all instances, the municipality will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines.

7.6 BREACHES OF THE POPI ACT

7.6.1 Disciplinary action will be taken against any employee or councillor reasonably suspected of being implicated in any non-compliant activity outlined within this policy and the POPI Act, save for cases of ignorance or minor breaches, which will be remedied by way of training.

7.6.2 However, any gross negligence or wilful mismanagement of personal information will be considered and treated as a serious form of gross misconduct.

7.7 MUNICIPAL WEBSITE

Users accessing the municipality's website accept the terms and conditions as specified on the municipality's website. Other sites that may be accessed via links are not controlled by the municipality and the municipality accepts no liability, therefore.

8. ROLES AND RESPONSIBILITIES

ROLES	AUTHORITY
The council is responsible for the evaluation, review and adoption of this policy	Mbhashe Local Municipality Council
The Information Officer (MM) is accountable for the overall implementation; the record keeping; records management and the protection of information of Mbhashe Local Municipality internal and external clients	The Municipal Manager
The Information Officer is responsible for approval of request for information in terms	The Municipal Manager

of Promotion of Access to Information Act and Protection	
The Legal Manager: Legal Services is responsible for ensuring staff awareness and education regarding this policy	Legal Manager: Legal Services
The registry staff are responsible for the physical management of the records in their care.	Corporate Services: Records and Archives
Information and Communications Technology (ICT) is responsible for information generated electronically in order to preserve the security, authenticity and integrity of records.	ICT Unit
Determine on what information should be shared on various media platforms, e.g. social media.	Communications Unit

9. MONITORING AND EVALUATION

- 9.1 All employees (and councilors where applicable) will be responsible for administering and overseeing the implementation of this policy including supporting of guidelines, standard operating procedures, notices, consents, and appropriate related documents and processes.
- 9.2 All employees (and councilors where applicable), who violate the guidelines and standard operating procedures of this policy may be subjected to disciplinary action being taken against them.
- 9.3 The point of contact for requests, disclosures, questions, complaints, and any other inquiries relating to the process, collection or re identifying personal information shall be directed to Information Officer or his delegates
- 9.4 Quarterly reports will be submitted as evaluation and monitoring mechanism to Internal Audit.

10. SUPPORTING DOCUMENTS

Protection of Information Procedure Manual/SOP will be developed to give guidance on how to implement and comply with the Act.

11. REVIEWAL

This policy shall reviewed annually or when there is change in legislation.

12. APPENDIX

12.1 POPI Act complaint form

12.2 Information Officer Acceptance Form

POPI ACT COMPLIANT FORM

We are committed to safeguard your privacy and confidentiality of your personal information and are bound by the Protection of Personal Information Act	
Please submit your compliant to Information Office	
Name:	NAME OF MUNICIPAL MANAGER
Contact number:	Contact number for Municipal Manager
Email address:	Email address for Municipal Manager
A. Particulars of Compliant	
Name & SURNAME	
Identity number	
Postal Adress	
Contact number	
Email address	
B. Details Of Compliant	
C. Desired Outcome	

D. Signature Page	
 Signature	
 Date	

INFORMATION OFFICER ACCEPTANCE FORM

I,in my capacity as Municipal Manager, hereby and immediate effect appoint you as Information Officer as required by the Protection of Personal Information Act (Act 4 of 2013), this appointment may at any time be withdrawn or amended in writing.

Accordingly, you are entrusted with the following responsibilities:

- a) Taking steps to ensure the municipality's reasonable compliance with the provisions of the POPI Act;
- b) Keeping the Municipal Manager and council updated about the municipality's information protection responsibilities under the POPI Act. For instance, in the case of a security breach, the information Officer must inform and advice municipality of their obligations pursuant to POPI Act;
- c) Continually analysing privacy regulations and aligning it with municipality's personal information processing procedures. This will include reviewing municipality's information protection procedures and related procedures.
- d) Ensuring POPI Audits are scheduled and conducted on regular basis;
- e) Ensuring the municipality makes it convenient for data subjects who want to update their personal information or submit POPI related complaints to the municipality, to do so. For instance maintaining a "contact us" facility on the municipality's website, amongst others;
- f) Approve any contracts entered into with operators, employees and other third parties which may have an impact on the personal information held by the municipality. This will include overseeing the amendments of the municipality's employment contracts and other service level agreements;

- g) Encouraging Compliance with conditions required for lawful processing of personal information
 - h) Ensuring that employees and persons acting on behalf of Municipality are fully aware of the risks associated with the processing of personal information and that they remain informed about the securities security controls;
 - i) Organising and overseeing awareness trainings of employees and other individuals involved in processing personal information on behalf of the municipality
 - j) Address employees POPI Act related issues;
 - k) Address employees POPI Act related requests and complaints made by the municipalities data subject;
 - l) Working with the information regulator in relation to any ongoing investigations. The information officers will therefore act as contact point for the Information Regulator authority on issues relating to the processing of personal information and will consult with the Information Regulator where appropriate, with regard to any other matter.
-

I hereby accept the appointment as the Information Officer

Name and Surname.....

Signature:

Date: