



HUMAN RESOURCE POLICY

CONFIDENTIALITY OF INFORMATION

Policy: NLMHREP001	Effective Date: 01 April 2008
Approved:	Review Date: 01 April 2009

Notwithstanding the review date herein, this policy shall remain effective until such time approved otherwise by Council and may be reviewed on an earlier date if necessary, subject to Labour Law Dispensation or operational requirements.

1. SCOPE

1.1 This policy should, where applicable, be read with:

1.1.1 The Promotion of Access to Information Act, 2 of 2000;

1.1.2 The Protected Disclosure Act, 26 of 2000;

1.1.3 The Labour Relations Act, 66 of 1995;

1.1.4 All relevant policies of Ngwathe dealing with information and records of Ngwathe

1.2 This policy applies to all employees of Ngwathe

2. PREAMBLE

- 2.1 Ngwathe operates as a local government institution in the Republic of South Africa and consequently gains and possesses information which may be sensitive or confidential.
- 2.2 Bearing in mind that legislation encourages the disclosure of certain information which may appear to be confidential; Ngwathe also has a duty to implement a framework within which certain information is treated in a confidential manner.
- 2.3 This policy must not be understood or interpreted to limit any statutory rights of employees or the public.

3. OBJECTIVE

The objective of this policy is to provide a general policy dealing with the gathering, recording, duplicating, distributing and communicating of information that Ngwathe regards as confidential.

4. DEFINITIONS

- 4.1 On this policy, unless the context otherwise indicates -
 - 4.1.1 “confidential” means privileged, private, not publicly known or having a classified status;

4.1.2 “information” means knowledge, facts or records gained and possessed through instruction, study, research or experience;

4.1.3 “classified” means a security classification assigned to information in terms of national or international norms and legislation; and “classify” has a corresponding meaning.

5. POLICY

5.1 Ngwathe, through its duly designated persons appointed for this purpose, may classify information as confidential.

5.2 The Municipal Manager of Ngwathe will from time to time advise the staff about information which is to be treated as confidential information.

5.3 Without derogating from the above mentioned definitions, Ngwathe regards the following information as “confidential”:

5.3.1 Classified information;

5.3.2 Human Resources information;

5.3.3 Information technology, including computer software, passwords, firewalls and tracking systems;

5.3.4 Information systems related to the administration of Ngwathe;

5.3.5 Internal communications, whether in writing or oral, relating to any of the above;

5.3.6 Any information that Ngwathe has resolved to be confidential,

But excluding: -

5.3.7 Information which is accessible in terms of the Promotion of Access to Information Act, No 2 of 2000;

5.3.8 Information which is disclosed and qualifies as a protected disclosure in terms of the Protected Disclosure Act, No 26 of 2000;

5.3.9 Information authorised by Ngwathe for public knowledge or dissemination;

5.3.10 Information which is accessible and used in the normal course of business of Ngwathe.

5.4 Confidential information may not be compiled, recorded, duplicated, distributed or communicated without the prior written consent of the Municipal Manager or his delegate, appointed for this purpose.

5.5 Employees who wish to compile, record, duplicate, distribute or communicate confidential information must apply to the Municipal Manager in writing, indicating in the request:-

5.5.1 The nature of such information and

5.5.2 The names of intended recipients of such information and

5.5.3 The extent of such information and

5.5.4 The reasons for the request.

- 5.6 The Municipal Manager will respond to the request mentioned in paragraph 5.5 above in writing within a reasonable time and advise the applicant accordingly. The Municipal Manager will keep a data base of such applications and the response thereto.
- 5.7 Ngwathe Municipal Manager may withdraw any such consent before the employee has acted therein, if such withdrawal of consent is in the best interest of Ngwathe.
- 5.8 Only the Executive Mayor, Municipal Manager or duly authorised employees may disclose information to the media.
- 5.9 A contravention of this policy may lead to disciplinary action being taken against an employee.

6. AUTHORITY

Formulation Policy	:	Municipal Manager
Authorisation Policy	:	Council
Ownership and Maintenance Manager	:	Director Corporate Services