



ILEMBE DISTRICT MUNICIPALITY

MANUAL

Published in terms of section 51 of the

Promotion of Access to Information Act 2 of 2000

As amended by the

**PROTECTION OF PERSONAL INFORMATION ACT 4 OF
2013 (POPIA)**

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1 Introduction

iLembe District Municipality (“IDM” or the “Municipality”) is a category C municipality and was established in terms of section 12 of the Municipal Structures Act, 1998 (Act No.117 of 1998) in December 2000. The iLembe District Municipality covers four local municipalities and the entity namely, KwaDukuza Municipality, Mandeni Municipality, Ndwedwe Municipality and Maphumulo Municipality and Enterprise iLembe.

In terms of powers and functions, iLembe District Municipality is a designated water and sanitation services authority and is charged with the responsibility of providing these services within the jurisdiction of iLembe District, stretching the four local municipalities mentioned above.

This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information the Municipality holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA Act”). In addition, it explains how to **access**, or **object to**, personal information held by the Municipality, or **request correction** of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPI Act”).

The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 5.

2 Purpose of this PAIA Manual

The purpose of the Promotion of Access to Information Act (PAIA) is to:

- i) promote the right of access to information, to foster a culture of transparency and accountability. The PAIA Act enables people to gain access to information held by both public and private bodies.
- ii) provide details of the information held by the Municipality and how the information can be accessed in line with the PAIA.

3 Municipal contact details

Municipality’s contact details in terms of PAIA section-14:

Postal Address: iLembe District Municipality
P. O. Box 1788
KwaDukuza.

Physical Address: 59/61 Mahatma Ghandi Street, KwaDukuza

Telephone number: 032 437 9300

Fax No: 032 437 9585

Website : www.ilembe.gov.za

Duly authorised persons:

Information Officer
Mr S.D. Mbhele E-mail: Information.Officer@ilembe.gov.za Telephone: 032 437 9501

Deputy Information Officer
Ms TN Mpetsheni Email: Information.Officer@ilembe.gov.za Telephone: 032 437 9414

4 Company Records

4.1 All records

Departmental records	Subject
COMMUNITY SERVICES DEPARTMENT	
Communications and Public Participation	Launches and Events Records
	Media Releases
Environmental Health Department	Environmental Policy
	Environmental Records

	Health and Safety Records (Employees, Contractors)
Inter -Governmental Relations	Minutes and agendas of the DDM Structures
CORPORATE SERVICES	
Human Resources Division	Employee Records
	Employment Contracts
	Personnel Guidelines, Policies and Procedures
	Employee Medical and/or Wellness Records
	Employee Disability Insurance Records
	Employee Pension and Provident Fund Records
	Payroll Records
	Recruitment Records
	Disciplinary records
	Employee Tax Records
ICT	Processing, Testing and Development Records
	Policies and procedures
	Computers, laptops and tablet listings
	Licences
Facilities Management Department	Physical Security Records (Visitors, Suppliers, Contractors, Employees)
	Electronic Access & Identity Management Records (Employees, Contractors)
	Time and Attendance Records
Corporate Services	Policies and Procedures
	Employee Information
Legal Services	Supplier Contracts/ SLAs
Registry	Registry/ Mail registers
Fleet Management	Fleet Records
Security	CCTV records
	Agendas and minutes of the Municipal Management and Governance Structures

FINANCE DEPARTMENT	
Finance	Audited Financial Statements
	Tax Records (Company & Employees)
	Asset Register
	Supplier Records
	Management Accounts
	Fleet Insurance Records
	General Contract Documentation
	Indigent Database
	Budgets
	Approved Tariffs
	Grant Registers
	Audit Reports and Management Reports
OMM DEPARTMENT	
Office of the Municipal Manager	Records of Investigations
	Complaints and Investigations Records
	Business Continuity Plans
	Investigations Reports
	Risk Register
	Loss Control Registers
	Insurance records
	Compliance reports
	Internal audit Reports
	PMS reports
Town and Environmental Planning Office	Integrated Development Plan
	Service Delivery and Budget Implementation Plan
	Spatial Development Framework
	GIS Data

4.2 Records automatically available

The following records are automatically available and do not require special request:

FINANCIAL RECORDS	<ul style="list-style-type: none"> • MTEF Budget • Annual Report • External Audit Reports
Tender Information	<ul style="list-style-type: none"> • Tender Adverts • Designated Sectors Information and Documents • Contracts/ Requests for Proposals/ Requests for Information/ Expression of Interest • Publication of Bidders • Finalised Contracts • Information on Tenders Awarded
Communication and Media	<ul style="list-style-type: none"> • Press Releases • Speeches • Presentations • Events Calendar • Contacts
Publication	<ul style="list-style-type: none"> • Annual Reports • Integrated Development Plan • Service Delivery and Budget Implementation Plan
Other	<ul style="list-style-type: none"> • Service Tariff

	<ul style="list-style-type: none"> • Budget related policies • Indigent policies <ul style="list-style-type: none"> • Minutes to the Council Meetings • Councillors information and the Council Committee Structures. • Performance agreement of the Municipal Manager and Senior Managers directly reporting to him.
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5 Purpose for processing of personal information

IDM processes personal information for the following specific reasons:

- i. To initiate recruitment of employees.
- ii. To comply with relevant legislation governing employees
- iii. To provide basic water and sanitation services
- iv. To process account and payments of the clients
- v. To enter into supplier contracts
- vi. To make account payments to Suppliers

6 Data subjects and their personal information

Categories of Data Subjects	Personal Information Processed
Employees	Employee Disability Information
	Employee Pension and Provident Fund Information
	Employee Contracts
	Employee Performance Records
	Payroll Records
	Electronic Access Records
	Physical Access Records
	Surveillance Records
	Health & Safety Records
	Training Records
	Employment History Records
	Time & Attendance Records

Job Applicants	Curriculum Vitae & Application Forms
	Criminal and reference Checks
	Copies of Qualification Certificates
	Identity Documents
	Qualification Verification Checks
Children/ minors	Names and ID numbers
	Schooling information
Visitors	Physical Access Records
	Surveillance Records

7 Planned recipients or categories of recipients with whom personal information is shared

- i. Law enforcement
- ii. Tax authorities
- iii. Financial institutions
- iv. Medical schemes
- v. Employee pension and provident funds
- vi. Local Municipalities
- vii. Verification agencies
- viii. Sector departments

8 Planned Trans-border flows of information

IDM **may** transfer data trans-border in order to store data with third party; where data is stored in the cloud and those cloud servers hosted outside the Republic.

IDM will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to the transfer of their personal information to third parties in foreign countries.

IDM will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the POPI Act.

IDM will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards.

9 Security Measures to protect Personal Information

IDM has a number of security measures to protect personal information processed by IDM as the Responsible Party in terms of the POPI Act, No 4 of 2013:

- a. Physical security measures
- b. Training in information security
- c. Policies in information security
- d. Audits of information security

10 Availability of this PAIA Manual

This manual is published on the Municipality's website at www.ilembe.gov.za or alternatively, a copy can be requested from the Municipal Offices and at the Registry located at iLembe House, 59/61 Mahatma Gandhi Street, KwaDukuza.

The following applies to requests (other than personal requests):

- i. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- ii. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- iii. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- iv. Records may be withheld until the fees have been paid.
- v. The detailed Fee Structure is available on the website of the Municipality, at the following address: www.ilembe.gov.za.

11 Remedies

The Municipality does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised persons in section 2, is final. If a request is denied, the requestor may appeal to Department of Cooperative Governance and Traditional Affairs. Should COGTA also deny the request and the requester is still unsatisfied, the requester is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator for relief.

12 Access to prescribed forms and fees

Prescribed forms and fees are published on the Municipal website or, alternatively, copies can be requested from the Information or Deputy Information Officers (see contact details in section 2). Prescribed forms and fees can be found on the Municipal website as follows:

Fees:

IN TERMS OF GOVERNMENT NOTICE NO. R. 187 IN GOVERNMENT GAZETTE 23119 OF 15 FEBRUARY 2002

FEES	COST (R/C)
1. The fee for a copy of the manual as contemplated in regulation 5(c) for every photocopy of an A4 size page or part thereof.	0.60
2. The fees for reproduction referred to in regulation 7(1) are as follows:	0.60
(a) For every photocopy of an A4 size paper or part thereof	
(b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	0.40
(c) For a copy in a computer readable form on -	
(i) stiffer disc	5.00
(ii) compact disc	40.00
(d) (i) For a transcription of visual images, for an A4 size page or part thereof	22.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4 size or part thereof	12.00
(ii) For a copy of an audio record	17.00
(f) To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	15.00/hr
(g) For purposes of section 22(2) of the Act, the following applies:	
(i) six hours as the hours to be exceeded before a deposit is payable;	
(ii) one third of the access fee is payable as a deposit by the requester.	
(h) The actual postage is payable when a copy of a record must be posted to a requester.	

13 Terms & Definitions

Term	Descriptions
Access Control	Access control is a method of restricting access to sensitive data. Only those that have had their identity verified can access company data through an access control gateway.
Accountability	The responsible party must ensure that the conditions and all the measures set out in the Act that give effect to such conditions, are complied with at the time of the determining the purpose and means of the processing.

Biometrics	Means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;
Breach Disclosure	The requirement that an organization notify regulators and/or victims of incidents affecting the confidentiality and security of personal data
Bring Your Own Device (BYOD)	Refers to the trend of employees using personal devices to connect to their organizational networks and access work-related systems and potentially sensitive or confidential data. Personal devices could include smartphones, personal computers, tablets, or USB drives.
Cloud Computing	Cloud computing is the on-demand availability of computer system resources, especially data storage and computing power, without direct active management by the user.
Codes of Conduct	Means a code of conduct issued in terms of Chapter 7 of POPIA
Confidentiality	The keeping of another person or entity's information private. Certain professionals are required by law to keep information shared by a client or patient private, without disclosing the information, even to law enforcement, except under certain specific circumstances.
Consent	Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information
Cross Border Data Transfer	Refer to moving personal data from one country to another across international borders
Cyber Security	Cyber security is the state or process of protecting and recovering networks, devices and programs from any type of cyberattack.
Data Anonymization	A type of information sanitization whose intent is privacy protection. It is the process of removing personally identifiable information from data sets, so that the people whom the data describe remain anonymous
Data Breach	A data breach is an incident where information is stolen or taken from a system without the knowledge or authorization of the system's owner
Data Controller	The GDPR natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data.
Data Processor	The GDPR natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller
Data Subject	Means the person to whom personal information relates.

Data Subject Participation	Data subjects may request whether their personal information is held, as well as the correction and/or deletion of any personal information held about them.
De-identify	in relation to personal information of a data subject, means to delete any information that— <ul style="list-style-type: none"> a) identifies the data subject; b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and d) “de-identified” has a corresponding meaning
Disclosure	The action of making new or secret information known.
Document Library	A special type of library, used to store related files or documents together with their metadata.
Further Processing Limitation	Personal information may not be processed for a secondary purpose unless that processing is compatible with the original purpose.
GDPR	The General Data Protection Regulation. The European Union Privacy Regulation
Information Officer	Of, or in relation to, a – <ul style="list-style-type: none"> a) public body means an Information Officer or Deputy Information Officer as contemplated in terms of section 1 or 17; or b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act
In-place records management	This records management option is used when a document is left in its current location, but declared as a record that can no longer be edited. In other words, the record is immutable.
Information Quality	The responsible party must take reasonable steps to ensure that the personal information collected is complete, accurate, not misleading and updated where necessary.
Location Tracking	Location tracking refers to technologies that physically locate and electronically record and track the movement of people or objects. Location tracking technology is in use every day with GPS navigation, locations located on digital pictures and searching for businesses nearby using common apps.

Metadata (Columns)	Metadata is used to describe the content and files that are stored and managed on a SharePoint site. If set up correctly, metadata can be used for automatic routing, workflow and managing of content. In SharePoint, columns are used to add and manage metadata.
Mobile Device	A mobile device (or handheld computer) is a <u>computer</u> small enough to hold and operate in the hand. Typically, any handheld computer device will have an LCD or <u>OLED</u> flatscreen interface, providing a <u>touchscreen</u> interface with digital buttons and keyboard or physical buttons along with a physical keyboard. Many such devices can connect to the Internet and interconnect with other devices such as car entertainment systems or <u>headsets</u> via <u>Wi-Fi</u> , <u>Bluetooth</u> , cellular networks or <u>near field communication</u> (NFC).
Multi-factor authentication (MFA)	Multi-factor authentication is an electronic authentication method in which a computer user is granted access to a website or application only after successfully presenting two or more pieces of evidence to an authentication mechanism: knowledge, possession, and inherence
Navigation	Navigation helps users to browse the site and find information. There are two types of navigation in SharePoint: <ul style="list-style-type: none"> • Current navigation (also called Quick Launch), which is used to navigate the contents of a site. • Top navigation (also called global navigation or the navigation bar), which is used to navigate between sites.
Openness	The data subject whose information you are collecting must be aware that you are collecting such personal information and for what purpose the information will be used.
Operator	The POPIA person (or Entity) who processes personal information for or on behalf of a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
Person	Means a natural person or a juristic person.
Personal Information	Means information relating to an identifiable, living, natural person, identifiable, existing juristic person, including, but not limited to— <ol style="list-style-type: none"> a) information relating to the race, gender, sex, national or social origin, language, age disability; b) information relating to the education or medical or financial history of the person;

- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinion, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

POPIA	Protection of Personal Information Act. The South African Privacy law
Privacy	Privacy is the ability of an individual or group to seclude themselves or information about themselves, and thereby express themselves selectively. When something is private to a person, it usually means that something is inherently special or sensitive to them
Privacy by Design	Means building privacy into the design, operation, and management of a given system, business process, or design specification; it is based on adherence with the 7 Foundational Principles of Privacy by Design
Private Body	<ul style="list-style-type: none"> a) A natural person who carries or has carried on any trade, business or profession, but only in such capacity. b) A partnership which carries or has carried on any trade, business or profession; or c) Any former or existing juristic person.
Processing	<p>Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—</p> <ul style="list-style-type: none"> a) the collection, receipt, recording, organisation, collation, storage, 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.
Processing Limitation	<ul style="list-style-type: none"> a) Personal information may only be processed in a fair and lawful manner and only with the consent of the data subject.
Public Body	<ul style="list-style-type: none"> b) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or

	<ul style="list-style-type: none"> c) any other functionary or institution when <ul style="list-style-type: none"> i. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or ii. exercising a public power or performing a public function in terms of any legislation.
Purpose Specific	Personal information may only be processed for specific, explicitly defined and legitimate reasons.
Record	<p>Means any recorded information—</p> <ul style="list-style-type: none"> a) regardless of form or medium, including any of the following: <ul style="list-style-type: none"> i. Writing on any material; ii. information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; iii. label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means; iv. book, map, plan, graph or drawing; v. photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; b) in the possession or under the control of a responsible party; c) whether or not it was created by a responsible party; and d) regardless of when it came into existence;
Records Centre	A records centre is created using a site template and comes with built-in features (such as versioning, auditing, metadata management and record routing) to manage the records management process. A records centre is a separate part of a SharePoint site.
Re-identify	<p>in relation to personal information of a data subject, means to resurrect any information that has been de-identified, that—</p> <ul style="list-style-type: none"> a) identifies the data subject; b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “re-identified” has a corresponding meaning
Responsible Party	The POPIA public or private body or any other person which determines the purpose of and means for processing personal information.

Restriction	Means to withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information
Requestor	<p>in relation to-</p> <p>a) a public body, means-</p> <ul style="list-style-type: none"> i. any person (other than a public body or an official thereof) making a ii. request for access to a record of that public body; or iii. a person acting on behalf of the person referred to in subparagraph above; <p>b) a private body, means-</p> <ul style="list-style-type: none"> i. any person, including, but not limited to, a public body or an official thereof, ii. making a request for access to a record of that private body; or iii. a person acting on behalf of the person contemplated in subparagraph above;
Right to be Forgotten (RTBF)	A right to have personal data deleted, in particular from the world wide web. South African law does not explicitly recognise a general right to be forgotten
Security	Security settings control who can access sites, what content they can see and what they can do with the content. Security can be set on sites, web parts, folders and documents/items. Users should be added to security groups and permission should be assigned on group level, not on individual user level.
Security Safeguards	Personal information must be kept secure against the risk of loss, unlawful access, interference, modification, unauthorized destruction and disclosure.
The Act	means Promotion of Access to Information Act 2 of 2000
Third Parties	means any natural or juristic person other than the Requester or, such party acting on behalf of the Requester
Views	Views control what information is displayed in lists and libraries, but can only be fully utilised if metadata is properly set up and used. Views determine what columns are displayed, how information is sorted, grouped and filtered. It is possible to create multiple views to display the same information in different ways, depending on how it is filtered, sorted and organised. A public view is available to all users on a site, whereas a private view is only available to the user that created it.

Form A- Request for Information