

COMMUNICATIONS POLICY



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1. **EXECUTIVE SUMMARY**

Chapter 17 of the Government Communicators Handbook (2014 – 2017) (“GCH”) at chapter 17 states that “the government uses communications to help deliver its policy priorities, based on its strategic plans and other commitments. Communication plays an important role in helping deliver public benefit, working together with policy and operational parts of government, and is often the most effective and efficient tool available.” The handbook goes on further to state, in chapter 17, that “a functioning democracy needs an informed citizenry. Providing citizens with adequate information on priorities, programmes and activities ensures not only the legitimacy of government, but also institutes regimes of transparency and accountability.” Further on, “government communications performs three basic functions:

- a. Informing citizens
- b. Advocating/persuading (for policies and reforms)
- c. Engaging the citizens.”

And still further on in chapter 17, “a well-conceived government communication programme will build broad support and legitimacy for programmes; will be responsive to citizens’ needs and provide mechanisms to hold government accountable.”

“In practice, government communication entails consulting for policy making, achieving consensus, raising awareness, changing behaviour, fostering transparency and civic education, as well as listening to/feeling the pulse of society.”

This municipality is in agreement with the above quoted excerpts from the GCH and along the lines postulated in the GCH this municipality, has prepared this communications policy (“policy”). This policy, as readers will note, does not contain mere words. It embodies the spirit of and encapsulates the ethos within which, not only this municipality, but all municipalities ought to function in executing and delivering service to the people. It requires motivated and dedicated individuals who work tirelessly to ensure that the functions of the municipality are timeously and efficiently executed for the benefit of the people that the municipality serves.

This municipality will be measured not by what it says but by what it says **and** does.

At page 89 of the GCH, “motivated, committed employees make for increased productivity and more profit. The way in which management communicates with them can be the key to successful motivation or an absolute confidence and commitment.”

“There is no doubt that a major contributor to the success of a business is the managers’ capacity to interact with their employees as often as possible and to be seen by leading by example – to cheer them on, motivate, encourage and perhaps even chastise them from time to time. Staff appreciates the personal attention that makes them feel special and part of a team or family.”

The most important and critical part of this policy is the strengthening and maintaining of the LINK between the people and the municipality. This link will encompass many facets within the range of functions associated with the municipality but for purposes of this policy, this document will focus primarily on communications. This policy must also be seen from the perspective of those who read it and more importantly, from the perspective of the people to whom information will be conveyed.

The context in which the municipality functions is multi-dimensional and multi-cultural and it will have to address various challenges along the way. The municipality must be prepared to continuously improve what it does and how it does it and it must be done as a collective exercise.

That must be the municipality’s abiding purpose.

2. INTRODUCTION

Corporate communication strategy is based on a definition of corporate communication as a management function; assisting the organisation to adapt to its environment by achieving a balance between commercial imperatives and socially acceptable behaviour; identifying and managing issues and stakeholders/publics; and building symbolic and behavioural relationships through communication with those on whom the organisation depends to meet its economic and socio-political goals.

Some of the communication challenges faced, include but are not limited, to the following:

- getting buy-in from civil society organisations, staff, media and political principals
- reaching all communities through conventional communication methods
- communicating mainly in isizulu
- creating ownership by various stakeholders
- mobilising resources effectively
- editorial control over news reports
- municipality news or messages not receiving the same amount of media coverage
- development of an intranet; consolidate the way and manner in which information is disseminated internally
- increasing advertising through the media both print and electronic; better use of radio and talk shows
- ensuring complete clarity on the objectives of the municipality
- avoiding the duplicating of communications or ambiguous or irrelevant communications
- ensuring co-ordinated and consistent communications

This policy will outline the different roles and responsibilities within the municipality as well as what is communicated and by whom it is communicated. One of the key roles of the municipality will be, to integrate the economic resources, political support and special knowledge each stakeholder offers, transforming it into financial and social wealth. That must be the municipality's social responsibility and in so doing the municipality entrenches its viability to serve the needs of the people. Furthermore this ensures effective compliance with Sections 152 and 153 of the Constitution of the Republic of South Africa Number 108 of 1996. Section 152 and 153 provides:

"152. Objects of local government. – (1) The objects of local government are –

- (a) to provide democratic and accountable government for local communities;*
 - (b) to ensure the provision of services to communities in a sustainable manner;*
 - (c) to promote social and economic development;*
 - (d) to promote a safe and healthy environment; and*
 - (e) to encourage the involvement of communities and community organisations in the matters of local government.*
- (2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in sub-section 1.*

"153. Developmental duties of municipalities. – A municipality must –

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and*
- (b) participate in national and provincial development programmes."*

Analysing societal trends and issues in society are important because the “values and beliefs of key stakeholders are derived from broader societal influences.” In the final analysis, the development of corporate communication strategy is *“based on pro-actively managing all strategic issues, regardless of whether their nature is economic, technological, social, political, ethical, and perceptual or any other.”* Effective communication removes barriers to success.

The municipality must be careful to avoid information overload. Simple pictures with simple captions of projects in operation can say a thousand words. In this age of information people are bombarded from all sides with information, more than what is capable of being processed and understood. “Information processing trends” are being assessed daily. People prefer short messages to lengthy messages. Pictures, video clips and interactive digital messaging boards are becoming the norm. The rapid rise of Twitter with its 140 long character limit reflects this trend. Long stories lose their readers and the message simply does not get through. YouTube and Instagram are also examples of communication tools that have grown in popularity. As McLuhan is quoted saying, “medium is the message.” Pictures and video images come imbued with emotional attachments and this influences peoples’ perception and reaction to the information communicated.

So what does this tell us about the communication between citizens and the government?

According to Michael J Ahn writing for TechTank:

“In the midst of information overload, government communication is unlikely to reach citizens effectively. Governments must now compete against other entities such as businesses and nonprofits to vie for the attention of the people. This is a difficult task as people are constantly being bombarded with eye-catching headlines and sensational advertisements, while governments try to reach them with their traditional lengthy official documents and official announcements focused on facts and data. Government information quickly loses the interest of the people. The “if we provide, they will come (to read)” mentality does not work in the new communication environment. Unless governments effectively catch the attention of the people, government communication will be buried in the flood of all other information.

Even if government communication reached the public, its usual fashion of conveying information not only quickly loses the interest of the people but also falls short in effectively persuading them to participate in the policy. The goal of policy communication can be thought of as informing citizens of the existence of a policy and persuading them to participate in and/or comply with the policy requirements. If indeed people are emotionally-driven and “shallower” in the new environment, they are less likely to be persuaded by the government’s traditional ways of communication, and the rate of policy participation or compliance may decline in the new information environment.

With our environment of information overload and the shifting medium of communication towards videos and short texts, the government should be more mindful of the habits and tendencies of the new information generation who are “shallower” and emotional as a result of their effort to cope with the information overload. Governments should consider engaging more actively in the “marketing” and image-making of its policies, taking advantage of emerging image and video-oriented communication technologies, instead of solely adhering to its traditional ways of communication. New methods should complement effective policy communication. Tailoring government strategy to our current information-rich environment will be critical to successful policy implementation.”

3. **GUIDING PRINCIPLES**

The government as well as all organs, departments and municipalities must adhere to a “corporate social responsibility approach” in that, all of the above has ethical responsibilities in addition to its economic and

legal obligations. In other words, to abide by unwritten codes, norms and values implicitly derived from society. The municipality must ensure that it conducts itself transparently and it must demonstrate its commitment to consult with internal and external stakeholders through a process of consultation and information sharing. That will ensure effective compliance with its mandate.

4. **COMMUNICATIONS POLICY STATEMENT**

The policy of this municipality will be to convey, in a manner that is simple and easily understood, the true nature of what the municipality is, the issues confronted by the municipality and its accomplishments to the community. The goal of this policy will be to raise awareness about the municipality's short and long term initiatives, objectives and projects and the derived benefits generated therefrom to the community *alternatively* for the benefit of the community. In order to achieve the above the municipality must ensure that it imparts information and key milestones that are reliable and accurate and furthermore such information is delivered timeously. Coupled with the above the municipality must ensure that it also imparts, as part of its communication programmes, the communications priorities of government to internal and external stakeholders.

5. **DEFINITIONS**

- 5.1 "Municipality Employees" – means any person employed by the municipality.
- 5.2 "Municipality" – means the uMfolozi Local Municipality and its subsidiary departments.
- 5.3 "Confidential Material Information" – material information not widely disseminated within or external to the municipality which, if disclosed, would be unduly detrimental to municipality's interests. For instance, immediate disclosure might interfere with the municipality's pursuit of a specific objective or strategy, with on-going negotiations, or with its ability to complete a transaction.
- 5.4 "General and Routine Information" – information that would not otherwise be classified as material information, and which is not otherwise, be required to be kept confidential, because of privacy laws.
- 5.5 "Material Information" – any information relating to the business and affairs of the municipality, that when publicly released would significantly affect, or would reasonably be expected to have significant effect on the business or affairs of the municipality. Material information includes both material facts and material changes.

6. **DISCLOSURE OF INFORMATION**

The municipality is committed to timely, accurate and complete disclosure of material information in an appropriate manner. The municipality recognises that it must meet the disclosure expectations of external stakeholders and the continuous disclosure obligations prescribed by legislation.

It is important to ensure that selective disclosure of material information does not occur. Thus, up to the time that it is communicated to external stakeholders, material information will be considered confidential material information.

7. **CONFIDENTIAL MATERIAL INFORMATION**

Confidential material information is subject to strict confidentiality restrictions and care must be taken to ensure that the information is used only to further the aims and objectives of the municipality. Access to confidential material information, is restricted to authorised persons, who ought to be aware of their confidentiality obligations and who have signed confidentiality agreements where required by the municipality.

Wherever practical, confidential information should:

- be identified as such;
- be stored in locked cabinets to which access is restricted;
- be removed promptly from meeting rooms at the conclusion of meetings;
- be subject to secure limited access of electronically stored computer information;
- not be discussed in places where the discussion may be overheard; and
- not be copied unnecessarily or discarded where it may be easily retrievable.

8. **MATERIAL FACTS**

If the municipality chooses to disclose a material fact, it will be broadly disclosed. Until such time as public disclosure is complete, in order to prevent selective disclosure, material facts will be considered confidential material information.

9. **ROLES AND RESPONSIBILITIES**

All media related activities are co-ordinated by the municipality's communications unit under the head of communications. The designated spokesperson has a duty to speak truthfully and openly, to the best of his/her knowledge regarding the municipality, subject to the disclosure requirements stipulated above. All media enquiries must be referred as soon as possible to the communications unit for follow-up by a designated spokesperson. Employees not authorised to serve as spokespersons will not respond on behalf of the municipality to any media enquiry or initiate any communication with regard thereto.

Unless in conflict with the requirements of the municipality, media deadlines are to be respected, whenever possible.

9.1 **THE MAYOR**

Unless authorised by the Mayor and the council of the municipality, all media-related activities and media interviews are restricted to the Mayor. In certain circumstances the Mayor may delegate this responsibility to the Deputy Mayor or municipal manager.

9.2 **MUNICIPAL MANAGER**

On corporate governance matters, strategic and operational issues, the municipal manager is the primary communicator for the municipality. The municipal manager must ensure that the municipality's communications strategy is in line with the municipality's communication objectives reflective of the municipality's priorities.

9.3 **CHIEF FINANCIAL OFFICER**

In addition to the Mayor the Treasurer or his/her designate is the principal respondent to all media enquiries and interviews regard financial matters and issues.

9.4 **HEADS OF DEPARTMENT**

Unit Heads are responsible for:

- ensuring compliance with the municipality's communications policy and procedures connected therewith;
- attending to media enquiries through the communications unit;
- ensuring that key communication issues and priorities are identified annually in line with the municipality's communication strategy; and
- that each unit's programmes contain communication action plans drafted and prepared in consultation with the communications unit.

9.5 **HEAD OF COMMUNICATION**

The function of the head of communication comprises *inter alia*:

- co-ordinating all communications activities for and on behalf of the municipality;
- determining who the municipality's partners are in a piece of communication – for example, advisors, experts, other parts of government and providing written advice on the use and value of using such advisors;
- providing counsel and advice to the Mayor and the Municipal Manager on communication issues and matters incidental or connected therewith;
- determining the involvement of the various groups of departmental staff – for example, is there a role for unions?
- procuring of communication products and services including the appointment of services providers and consultants;
- co-ordinating the communication activities of the various clusters of the municipality; and
- ensuring that the communication policy and procedures are communicated to all employees of the municipality and ensuring full compliance therewith.

9.6 **MUNICIPAL SPOKESPERSON**

The municipal spokesperson serves as the Council's spokesperson and is responsible for co-ordinating liaison with the media, arranging media conferences, the issuing of media statements and attending to media queries. He/she is also responsible for both Mayoral and municipal media liaison. He/she is responsible for writing the Mayor's speech and other Office Bearer's speeches, if so required.

10 **FUNCTIONS OF THE COMMUNICATIONS UNIT**

This unit is primarily responsible for:

- co-ordinating all communications activities in the municipality and clusters of the municipality;
- the appropriate dissemination of information to the media in line with the disclosure of material stated above;
- providing support and co-ordination of all communication efforts with the main aim of enabling the Mayor and Municipal Manager to perform their functions as Chief Communicators;
- ensure compliance, with regard to the dissemination of information, with all relevant legislation, municipal legislation, by-laws and/or any other applicable legislation;
- if the municipality has appointed dedicated communication officers for its various clusters, these officers shall be responsible for all the communication requirements of clusters in the municipality that deal with these functional areas and which responsibility shall include, but not limited to, identifying communication issues, developing communication strategies, implementing and managing communication actions *inter alia* campaigns, events, advertising, design and printing of communication materials, audio-visual and still communication, marketing and communication research.

11. **DUTY OF LOYALTY**

Common law imposes on employees, the fiduciary duties of confidentiality and loyalty to one's employer, obligating employees not to compete with their employer, and prohibiting them from disclosing or using their employer's confidential material information to their employer's detriment.

In its widest sense, the municipality extends this responsibility to each and every person employed by the municipality and requires all employees to act with good faith, honesty, loyalty and to avoid placing their own personal interests above those of the municipality.

12. **INFORMATION DISCLOSURE**

Enquiries from the public for routine and general information may be answered by the appropriate employee/manager if the information requested is contained in records/publications previously released for public distribution.

Enquiries from the public cannot be answered if the enquiry is regarding municipality activities that constitute confidential material information. If such an enquiry is made, the employee/manager will respectfully decline the request as containing confidential information.

13. **PROCEDURES AND RULES GOVERNING THE COMMUNICATIONS POLICY**

All employees of the municipality will be advised of this policy and its importance.

13.1 **GENERAL**

The communications unit will always be the first line of contact with the media. All media relations will be co-ordinated by the communications unit. Communication promotes dialogue and is an integral part of management. Dialogue means the interaction and sharing of information between two equal parties. Hence the need for a communications unit goes without saying. Through communication, relationships with citizens and role players are nurtured: thereby improving the

understanding of community needs and at the same time enabling the municipality to respond. Communication must and should be part of the culture of good governance and participation espoused by the municipality.

13.2 **MEDIA RELATIONS**

The municipality must forge and maintain strong links with the media. Before responding to any media request, it would be advisable to communicate with the communications unit in order avoid ambiguous and incorrect responses. Where this is not possible, for whatever reason, the head of the relevant unit must sign off on the response and this response must be forwarded to the head of communications.

At all times requests and queries from the media must be forwarded to the communications unit. It will then become the responsibility of the communications unit to investigate the request or query with the relevant unit and draft an appropriate response.

All media events, conferences, briefings, letters to the media and advertising or any nature must be co-ordinated by the communications unit. The communications unit will monitor, evaluate and advise the Mayor or Municipal Manager on such evaluation and monitoring.

All enquiries or queries from the media must be in writing to the head of communications. No verbal requests or queries must be entertained. Media requests and queries must be addressed within 48 hours or by an agreed deadline. Media requests and queries must be allocated as "high priority". All responses must be in writing excluding radio and television interviews.

13.3 **INTERNAL COMMUNICATIONS**

Internal communications relate to:

- municipality programmes;
- human capital information;
- other relevant and useful information that employees may be interested in.

Managing the flow of information within the municipality efficiently creates and leads to an informed workforce. Efficient internal communications leads to a progressive institution with in turn creates a positive image of the institution. An effective organisation depends greatly on informed employees. This means that employees are equipped (through on-going training and assessments) on the functions of the organisation and also knowledgeable about issues concerning the community and knowledgeable about transformation as well. Service delivery is the top priority of the municipality and it is therefore critical to keep employees updated about matters affecting them as this leads to improved morale and effective service delivery. It is important and necessary for top management to interact regularly with employees and to "know the feeling on the ground". It assures employees that they too have a meaningful role to play in the municipality and in the community at large. Intergovernmental communication is also vital in that it allows for the exchange of ideas, views and discussions and promotes a communication network and another platform for dialogue. Creating and maintaining an intranet is the quickest way to communicate internally. Use of notice boards, newsletters, workshops, staff meetings, short messaging service and other communication tools may also be used.

13.4 **EXTERNAL COMMUNICATIONS**

External communication creates awareness amongst stakeholders of the role and functions of the municipality. All existing channels of communication ought to be used to disseminate information to

stakeholders including print, digital and electronic channels. The use of the short messaging service on cellular telephones is another quick and effective way of disseminating information. A short magazine delivered monthly with the municipality's invoices would be another way to communicate with stakeholders. It would contain concise information on every aspect of the municipality and its functions amongst other relevant information. Naturally all external communications would require approval from the communications unit. In addition to the way the municipality communicates with the external environment, particular attention should be paid, to the municipality's image. Image influences the decision of an external entity to participate and in so doing make a contribution to the municipality's aims and objectives.

In order to function effectively the municipality must ensure that its "front-office" communication is exemplary. It must be remembered that "conduct" and "body language", also a form of communication, can either elicit negative or positive reactions from stakeholders. Conduct and body language must thus be exemplary as well. Dress code is another form of communication. Etiquette and courtesy must be ever-present. The different service centres of the municipality must create and convey an image centred on the delivery of efficient and effective service. Regular surveys by the Communications Unit must be conducted to determine community and stakeholder perceptions of the municipality.

13.5 **WEBSITE**

There is no mistaking the fact that millions of people find using websites to access information more preferable than other forms of media. The municipality must encourage stakeholders to access this important communication tool. The website must be regularly maintained and updated on a daily basis with all activities and information concerning the municipality. Resolutions by the Council of the municipality deemed fit for public consumption should be published on the website.

Having such a website would lend legitimacy and credibility to the municipality. Websites are now universal and it is generally accepted for any legitimate agency or organisation to have one. In developed countries, younger people, those who have grown up with computers or used them in schools, turn to the web for almost everything. They read newspapers, college catalogues and even books online and use the web for their entire information gathering, as well as shopping, travel and other things. Any organisation without a web site does not exist for them. Websites can carry huge amounts of information. As soon as the website is updated the information is available immediately 24 hours a day 7 days a week.

Of major importance the website must carry excerpts from the Municipal Systems Act 32 of 2000, for instance:

Section 21

Communications to local community

“(1) When anything must be notified by a municipality through the media to the local community in terms of this Act or any other applicable legislation, it must be done -

- (a) in the local newspaper or newspapers of its area;*
- (b) in a newspaper or newspapers circulating in its area and determined by the council as a newspaper of record; or*
- (c) by means of radio broadcasts covering the area of the municipality.*

- (2) *Any such notification must be in the official languages determined by the council, having regard to language preferences and usage within its area.*
- (3) *A copy of every notice that must be published in the Provincial Gazette or the media in terms of this Act or any other applicable legislation, must be displayed at the municipal offices.*
- (4) *When the municipality invites the local community to submit written comments or representations on any matter before the council, it must be stated in the invitation that any person who cannot write may come during office hours to a place where a staff member of the municipality named in the invitation, will assist that person to transcribe that person's comments or representations.*
- (5)
 - (a) *When a municipality requires a form to be completed by a member of the local community, a staff member of the municipality must give reasonable assistance to persons who cannot read or write, to enable such persons to understand and complete the form.*
 - (b) *If the form relates to the payment of money to the municipality or to the provision of any service, the assistance must include an explanation of its terms and conditions."*

Section 21A

Section 21A inserted by section 5 of Act 44 of 2003

Documents to be made public

- “(1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal Finance Management Act or other applicable legislation, must be conveyed to the local community -*
- (a) *by displaying the documents at the municipality's head and satellite offices and libraries;*
 - (b) *by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21B; and*
 - (c) *by notifying the local community, in accordance with section 21, of the place, including the website address, where detailed particulars concerning the documents can be obtained.*
- (2) *If appropriate, any notification in terms of subsection (1) (c) must invite the local community to submit written comments or representations to the municipality in respect of the relevant documents.”*

Section 21B

Section 21B inserted by section 5 of Act 44 of 2003

Official website

- “(1) Each municipality must-*
- (a) *establish its own official website if the municipality decides that it is affordable; and*

- (b) *place on that official website information required to be made public in terms of this Act and the Municipal Finance Management Act.*
- (2) *If a municipality decides that it is not affordable for it to establish its own official website, it must provide the information in terms of legislation referred to in subsection (1)(b) for display on an organised local government website sponsored or facilitated by the National Treasury.*
- (3) *The municipal manager must maintain and regularly update the municipality's official website, if in existence, or provide the relevant information as required by subsection (2)."*

13.6 **DEPARTMENT INFORMATION**

Regular updates of information on the various municipal departments' activities will be helpful in keeping external shareholders informed on any changes that have occurred or that will occur in a particular department and the function of such department/s.

13.7 **COMMUNICATIONS MATERIALS PROVISIONING**

All communication material of whatever source or nature may not be published, obtained or sourced without the consulting and approval of the Communications Unit. Any decision to outsource any function/activity of the communications unit must be approved in writing by the Head of Communications.

13.8 **ADVERTISING**

When information is communicated with the external environment, it must be communicated in a manner that is simple to understand, sensitive to the needs of the receptive audience and clear in the message that is intended to be conveyed. Multiple and conflicting communications create confusion. In other words, information must be presented in an intelligible format that is easily understood. Print and digital billboards, for example, are ideal tools for such a purpose. The same would apply to radio and television feeds.

The communications Unit is responsible for co-ordinating all advertising activities. It must approve all advertising or the procurement of any advertising services. No contract or payment can be signed without the approval of the head of communications or his/her duly authorised representative. In all cases the correct and proper procurement procedures should be followed. Heads of the various units must compliment the budget.

13.9 **NEWS LETTERS**

- Keep stakeholders up to date about what's going on;
- keep the public informed;
- educate all readers about issues and ideas that concern you as a group;
- build cohesion and a sense of pride among stakeholders;
- to spark new interest in and increase recognition; and
- to offer a format for information exchange that may not exist.

13.10 POSTERS AND FLYERS

Can be displayed anywhere especially where there is a captive audience, for example:

- schools;
- dental and medical clinics;
- buses or other public transport;
- community service organisation offices;
- community bulletin boards at markets; and
- any place where the volume of people traffic is high.

13.11 BROCHURES

A brochure can explain the municipality's purpose and services. Doing a presentation to a group that is not familiar to the municipality? Meeting with a potential funding agency? Interviewing a group of potential volunteers? For almost any situation in which you need to introduce the municipality to anyone, a brochure may be very useful. A brochure can answer frequently asked questions about the municipality like service delivery. Brochures may be targeted at potential employees, potential clients, potential funders, community partners and supporters, the press and the general public.

13.12 EMAIL LISTS

Email lists can serve many functions. They can serve as a way to:

- quickly and inexpensively get out information to large numbers of people; for example an update on a project;
- create a forum for discussion of ideas and issues;
- encourage people to get involved in community projects or serve as volunteers;
- monitor feedback on issues like, health, housing, service delivery and so on.

13.13 CORPORATE IDENTITY

The municipality is similar to any corporate entity. It has an identity and image of its own. This identity and image is important to the success or otherwise of the municipality. However the identity and image of the municipality can only succeed and become entrenched in the minds of stakeholders through the efficiency and hard work of the employees of the municipality. Every person and item connected with the municipality must truly reflect the vision and mission of the municipality. Building an image is easy; maintaining the image is the true test. Every employee is an extension of the municipality and the municipality will be judged by and through it employees. Thus every employee is a valuable link in the chain and the chain is only as strong as its weakest link. The question is: which link are you?

13.14 BRANDING AND PROMOTIONAL MATERIAL

All branding and promotional material of the municipality will controlled by the communications unit and may only be used for official purposes connected with the municipality. Production of such material must be authorised by the communications unit as well as the use thereof on projects not initiated by the municipality. All communications materials including branding and promotional

material are the responsibility of the communications unit and must be acquired in a fair and equitable manner if obtained from external sources.

13.15 **THE ROLE OF COUNCILLORS AND OTHER PERSONNEL**

Councillors and other personnel (like front-line personnel, community liaison officers, public relations officers – communication officers) play an important role in facilitating communication and promoting access to local government. Through monthly ward committee meetings, Councillors can assist in communicating the municipality's decisions and policies. These people should be empowered to liaise with the community regarding the municipality's initiatives and projects which the community ought to know about. Personnel should provide Councillors with the necessary support (administrative or technical) in preparation for and at the meeting.

13.16 **LANGUAGE POLICY AND TRANSLATIONS**

In terms of the language policy of the municipality, English and isiZulu are business languages for communicating with residents. All official notes and advertisements issued for general public information must be published in English and isiZulu.

13.17 **COPYRIGHT**

All publicity, branding, promotional and communicational material and information, paid for or created by the municipality, is the intellectual copyright and property of the municipality. No reproduction thereof may take place without the express approval and consent of the municipality. The municipality, subject to its sole discretion, may allow third parties to use the aforesaid material without cost to the original producer and likewise the municipality has the right to prevent misuse and abuse of the aforesaid material by whatever lawful means the municipality deems necessary.

13.18 **EXHIBITIONS / FAIRS / EVENTS**

The communications unit will be responsible for branding and corporate identity as stated above; thus all departments of the municipality must consult with the communications unit when taking part in exhibitions, fairs and events on behalf of the municipality.

14. **TRAINING AND DEVELOPMENT**

The process of identify and implementing training course for designated employees who interact with the media shall be the responsibility of the communications unit. Knowledge and the transfer of skills are integral to the empowerment of employees and the communications unit must, through internal or external mechanisms (communication coaches / consultants / advisors) impart same to designated employees. This does not mean that employees who express an interest in developing their communication skills will be automatically excluded. The communications unit will determine the criteria and process for the aforesaid knowledge and skills transfer programmes.

15. **HANDLING CRISIS IN COMMUNICATION AND RAPID RESPONSE**

It is important to understand and acknowledge that communication issues will arise and that having a plan (crisis toolkit) for addressing such issues will make life easier when they do. Ofcourse the most effective way of dealing with them is to do everything possible to make sure they never occur, but even the best preparation can fail sometimes.

Peoples gender, racial and cultural background, educational experience and perceptions of who has power, all influence how they receive and interpret communication. It is absolutely necessary to know your audience and think carefully about how they will look at what the municipality presents. Communication involves more than words; it includes body language and tone of voice, as well as the attitude and general tone projected in the speech, writing or actions. Remember that communication is not one-sided. You can blanket a community with information, but if that information is not understood or not understood in the way it was meant to be understood, you might as well have not bothered.

No two issues are the same and accordingly different issues will call for different kinds of resolutions.

There are many types of issues the municipality will face and sometimes it could be through no fault, directly or indirectly, of the municipality. For instance, a message has been garbled or misrepresented in the media. It could be an employee's error or inexperience, or ill-will on the part of the reporter or his/her employee. The fallout will still have to be dealt with no matter why it happened.

In the event of a crisis, the following guidelines will be useful, in addressing the crisis:

- the person responsible within whose unit the crisis has occurred should immediately inform the head of the unit;
- the head of the unit so informed must immediately inform the head of the Communications Unit;
- the head of the Communications Unit must immediately convene a committee consisting of not less than 3 people and not more than 5 to investigate and establish the problem exactly;
- simultaneously with such an investigation a report must be furnished to the Mayor and the Municipal Manager outlining the crisis and the steps that are in process to address the crisis;
- the crisis should not be overly simplified. All relevant facts must be assessed objectively;
- the committee must develop an action plan to address the crisis and lines of communication with the source of crisis, if readily available, must be opened;
- the action plan aforesaid must *inter alia* determine the seriousness of the situation and how to minimise same; develop position statements, answers to potential questions and fact sheets that strongly set out the municipality's position; appoint one person to deal with the media;
- the committee must then manage the crisis, communication of the crisis and release the necessary communication in conjunction with the office of the Mayor and Municipal Manager. The Mayor and Municipal Manager will act as spokespersons;
- no media statement or interview will be permitted from any other officials; and
- staff must be kept informed.

Problems and crises if handled correctly are not the end of the world. If, when people think of the municipality and they remember a crisis in which you acted well, rather than whining and blame-casting, the chances of success are greatly increased.

16. **RELEVANT LEGISLATION****Constitution of the Republic of South Africa Act, Number 108 of 1996****“195 Basic values and principles governing public administration**

- (1) *Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:*
- (a) *A high standard of professional ethics must be promoted and maintained.*
 - (b) *Efficient, economic and effective use of resources must be promoted.*
 - (c) *Public administration must be development-oriented.*
 - (d) *Services must be provided impartially, fairly, equitably and without bias.*
 - (e) *People's needs must be responded to, and the public must be encouraged to participate in policy-making.*
 - (f) *Public administration must be accountable.*
 - (g) *Transparency must be fostered by providing the public with timely, accessible and accurate information.*
 - (h) *Good human-resource management and career-development practices, to maximise human potential, must be cultivated.*
 - (i) *Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.*
- (2) *The above principles apply to-*
- (a) *administration in every sphere of government;*
 - (b) *organs of state; and*
 - (c) *public enterprises.*
- (3) *National legislation must ensure the promotion of the values and principles listed in subsection (1).*
- (4) *The appointment in public administration of a number of persons on policy considerations is not precluded, but national legislation must regulate these appointments in the public service.*
- (5) *Legislation regulating public administration may differentiate between different sectors, administrations or institutions.*
- (6) *The nature and functions of different sectors, administrations or institutions of public administration are relevant factors to be taken into account in legislation regulating public administration.”*

Municipal Finance Management Act, Number 56 of 2003 as amended by Municipal Fiscal Powers and Functions Act, Number 12 of 2007

MFMA Circular 1 of 2004 states that:

“The Municipal Financial Management Act (MFMA) aims to modernise budget and financial management practices by placing local government finances on a sustainable footing. It also aims to put in place a sound financial governance framework by clarifying and separating the roles and responsibilities of the mayor, executive and non-executive councillors and officials. It consequently serves to maximise the capacity of municipalities to deliver services to all its residents, customers, users and investors.”

“The MFMA must be read with other complementary national legislation, in order to correctly interpret and fully understand the underlying policy. This includes:

- a) Sections 230A and 139 of the Constitution as amended in 2002 and 2003, which provides for borrowing and intervention respectively,*
- b) Municipal Systems Act no 32 of 2000 (as amended by Act 44 of 2003) that aligns provisions relating to the establishment of entities and external providers and deals with the process to prepare Integrated Development Plans (IDPs) and establish a performance-based measurement system, and*
- c) The annual Division of Revenue Act (DoRA) that impacts on municipal allocations and monthly reporting.”*

Financial Intelligence Centre Act, Number 38 of 2001

Electronic Communications and Transactions Act, Number 25 of 2002

Electronic Communications Act, Number 36 of 2005

Independent Communications Authority of South Africa Amendment Act, Number 3 of 2006

Regulation of Interception of Communications and Provision of Communication-related Information Act, Number 48 of 2008

Municipal Structures Act, Number 117 of 1998

Government Communicators Handbook (2014 – 2017)

Protection of Personal Information Act, Number 4 of 2013 read with Section 14 of the Constitution of the Republic of South Africa – Very Important piece of Legislation

Signed into law on 27th November 2013

Purpose of Act

2. The purpose of the Act is to—

- (a) give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at—*
 - (i) balancing the right to privacy against other rights, particularly the right of access to information; and*
 - (ii) protecting important interests, including the free flow of information within the Republic and across international borders;*
- (b) regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;*

- (c) provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act; and
- (d) establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by this Act.

CHAPTER 2

APPLICATION PROVISIONS

Application and interpretation of Act

3. (1) This Act applies to the processing of personal information—
- (a) entered in a record by or for a responsible party by making use of automated or non-automated means: Provided that when the recorded personal information is processed by non-automated means, it forms part of a filing system or is intended to form part thereof; and
 - (b) where the responsible party is—
 - (i) domiciled in the Republic; or
 - (ii) not domiciled in the Republic, but makes use of automated or non-automated means in the Republic, unless those means are used only to forward personal information through the Republic.
- (2) (a) This Act applies, subject to paragraph (b), to the exclusion of any provision of any other legislation that regulates the processing of personal information and that is materially inconsistent with an object, or a specific provision, of this Act.
- (b) If any other legislation provides for conditions for the lawful processing of personal information that are more extensive than those set out in Chapter 3, the extensive conditions prevail.
- (3) This Act must be interpreted in a manner that—
- (a) gives effect to the purpose of the Act set out in section 2; and
 - (b) does not prevent any public or private body from exercising or performing its powers, duties and functions in terms of the law as far as such powers, duties and functions relate to the processing of personal information and such processing is in accordance with this Act or any other legislation, as referred to in subsection (2), that regulates the processing of personal information.
- (4) **“Automated means”**, for the purposes of this section, means any equipment capable of operating automatically in response to instructions given for the purpose of processing information.

Lawful processing of personal information

4. (1) The conditions for the lawful processing of personal information by or for a responsible party are the following:
- (a) “Accountability”, as referred to in section 8;
 - (b) “Processing limitation”, as referred to in sections 9 to 12;
 - (c) “Purpose specification”, as referred to in sections 13 and 14;

- (d) “Further processing limitation”, as referred to in section 15;
 - (e) “Information quality”, as referred to in section 16;
 - (f) “Openness”, as referred to in sections 17 and 18;
 - (g) “Security safeguards”, as referred to in sections 19 to 22; and
 - (h) “Data subject participation”, as referred to in sections 23 to 25.
- (2) The conditions, as referred to in subsection (1), are not applicable to the processing of personal information to the extent that such processing is—
- (a) excluded, in terms of section 6 or 7, from the operation of this Act; or
 - (b) exempted in terms of section 37 or 38, from one or more of the conditions concerned in relation to such processing.
- (3) The processing of the special personal information of a data subject is prohibited in terms of section 26, unless the—
- (a) provisions of sections 27 to 33 are applicable; or
 - (b) Regulator has granted an authorisation in terms of section 27(2), in which case, subject to section 37 or 38, the conditions for the lawful processing of personal information as referred to in Chapter 3 must be complied with.
- (4) The processing of the personal information of a child is prohibited in terms of section 34, unless the—
- (a) provisions of section 35(1) are applicable; or
 - (b) Regulator has granted an authorisation in terms of section 35(2), in which case, subject to section 37, the conditions for the lawful processing of personal information as referred to in Chapter 3 must be complied with.
- (5) The processing of the special personal information of a child is prohibited in terms of sections 26 and 34 unless the provisions of sections 27 and 35 are applicable in which case, subject to section 37, the conditions for the lawful processing of personal information as referred to in Chapter 3 must be complied with.
- (6) The conditions for the lawful processing of personal information by or for a responsible party for the purpose of direct marketing by any means are reflected in Chapter 3, read with section 69 insofar as that section relates to direct marketing by means of unsolicited electronic communications.
- (7) Sections 60 to 68 provide for the development, in appropriate circumstances, of codes of conduct for purposes of clarifying how the conditions referred to in subsection (1), subject to any exemptions which may have been granted in terms of section 37, are to be applied, or are to be complied with within a particular sector.

Rights of data subjects

5. A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3, including the right—
- (a) to be notified that—
 - (i) personal information about him, her or it is being collected as provided for in terms of section 18; or

- (ii) his, her or its personal information has been accessed or acquired by an unauthorised person as provided for in terms of section 22;
- (b) to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information as provided for in terms of section 23;
- (c) to request, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24;
- (d) to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information as provided for in terms of section 11(3)(a);
- (e) to object to the processing of his, her or its personal information—
 - (i) at any time for purposes of direct marketing in terms of section 11(3)(b); or
 - (ii) in terms of section 69(3)(c);
- (f) not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1);
- (g) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person as provided for in terms of section 71;
- (h) to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74; and
- (i) to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99.

This Act applies to every private and public body. The Act endows specific rights to natural and juristic persons with regard to **how** their personal information is handled. The Act will furthermore require serious changes to the way in which private and public bodies will conduct themselves. This conduct will naturally depend on the nature of the business in terms of how personal information is collated, used and processed. The Act provides for significant fines and criminal sanctions for any breach of its provisions by directors, managers and employees. The Act sets out 8 conditions for the processing of personal information to be lawful and which will generally require prior consent which may be withdrawn at any time. "Data subjects" have the right to be informed about what information is being collected and who will have access to that information. Note well, that personal information cannot be retained any longer than is necessary to achieve the original purpose for which it was collected and there must be a strict policy for the handling, storing and destruction of personal information. Municipalities will need to educate their employees on the provisions of the Act and furthermore will need to create a separate **policy document** for the handling of personal information in compliance with the provisions of the Act.

The Information Regulator and certain other sections became effective on 11th April 2014. Public and private bodies ought to be aware of the potential for a negative effect on the body's image and reputation as a result of non-compliance with the Act.

Promotion of Access to Information Act, Number 2 of 2000

This Act came into effect on 9th March 2001. It gives effect to the constitutional right of access to any information held by the State and other bodies required for the purpose of exercising or protecting any right. The Act's aim and purport is to seek a culture of transparency and accountability in South Africa and build and promote a society in which the citizens are empowered to more fully exercise and protect their rights.

The Act establishes that any person requesting the record of a private or public body has a statutory right to access that record provided the following criteria are met:

- (a) the record requested is required for exercising or protecting of any legal right;
- (b) the procedural requirements are met; and
- (c) access is not refused on any of the grounds stated in the Act.

For further information please consult the Act.

End.

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