



POLICY 038/2017 RAADSBELEID

SUBJECT/ONDERWERP: **E-MAIL LEGAL NOTICE**

REFERENCE/VERWYSING: **6.1.3**

RESOLUTION NR/BESLUIT NO: **14.5/05/2017 (SCM)**

DATE/DATUM: **30 MAY 2017**

1. This email legal notice is enforceable and binding on the recipient / addressee in terms of sections 11(1) to 11(3) of the Electronic Communications and Transactions (“ECT”) Act 25 of 2002.
2. This email transmission contains confidential information, which is the property of Dawid Kruijer Municipality (“DKM”). No person, other than the recipient (so indicated by the sender) may use or disclose the contents of this message, links or attachments hereto, to any person whatsoever. Unauthorised disclosure and/or use may result in civil and criminal liability.
3. The information in this email, links or attachments thereto is intended for the attention and use of the addressee only - if you are not the intended addressee/recipient, you are hereby notified that any disclosure, copying or distribution of the contents of this email transmission or the taking of any action in reliance thereon or pursuant thereto, is strictly prohibited. Should you have received this email in error, please delete and destroy it immediately and notify the sender.
4. The email address of the sender may not be used, copied, sold, disclosed, shared or incorporated into any database or mailing list for spamming and/or other online marketing practices without the prior consent of the sender and/or DKM.
5. Under no circumstances shall DKM or the sender of this email be liable to any party for any direct, indirect, special or consequential damages, including, without limitation, any loss of profits, business interruption, loss of programs or other data on information handling systems or otherwise, even if DKM or the sender of this email has been expressly advised of the possibility of such damages.
6. Any agreements concluded with DKM by using electronic correspondence shall only come into effect once DKM indicated such contract formation in a follow up or return communication and always subject to the requirements of the ECT Act and contract law in general.

7. No email correspondence sent to DKM shall be deemed to have been received until DKM has responded thereto. An auto-reply shall not constitute such "response" for purposes of this clause. Return email messages blocked by DKM's virus detection and/or filtering applications shall not be deemed to have been received by DKM and/or the addressee.
8. No warranties are made or implied that any employee and/or contractor of DKM is or was authorised to create and send this communication.
9. DKM reserves the right to intercept, filter, view, block, delete, access, copy, read and act upon this email message and all email messages sent as reply messages to this email message or the address of the sender.
10. DKM retains the copyright in all email messages and attachments sent from its communications systems insofar as such content is original and subject to copyright. The recipient / addressee is hereby licensed to open and read the message and/or attachments only – all other rights are reserved unless so indicated by the sender and/or DKM.
11. The views and opinions expressed in this email message do not necessarily reflect the views and/or opinions of DKM. If this email message is used for purposes unrelated to the official business of DKM, DKM shall not be liable for any damage, liability, infringement or loss caused by the contents of this message and the sender shall take full responsibility therefore in his / her sole and personal capacity.
12. Subject to urgent and interim relief, all disputes and/or disagreements and/or damages and/or liabilities, in any manner related to the:
 - (a) Interpretation, validity, access to and enforceability of this email legal notice;
 - (b) Content (including message headers, links and/or attachments) of this email message;
 - (c) The time and place this email was sent and/or delivered; and/or
 - (d) The identity of the sender,shall be referred to urgent and confidential arbitration in terms of the arbitration rules of the Arbitration Foundation of Southern Africa and such arbitration shall be conducted in Upington in English.
13. The law of South Africa shall govern this email message and legal notice.
14. Information disclosures required by law:
 - (a). **Full name of DKM:** Dawid Kruiper Municipality;
 - (b) **Postal address:** Private Bag X6003, Upington, 8800;
 - (c) **Street address:** Civic Centre, Mutual Street, Upington, 8800;
 - (d) **Web site:** <http://www.dkm.gov.za>;
 - (e) **Website terms and conditions:** Click here to download the Dawid Kruiper website terms and conditions;

- (f) **Registration number:** NC083;
- (g) **VAT registration number:** 4910103219;
- (h) **Directors:** Municipal Manager, Chief Financial Officer, Director Civil Engineering Services, Director Community Services, Director Corporate Services, Director Electro-Mechanical Services, Director Project Management; and
- (i) **Code of Conduct:** Municipal Systems Act 32 of 2002.

15. This email legal notice shall at all times take precedence over any other email disclaimer(s) attached to return emails addressed to any person with a DKM email account.

16. Please contact the following person should you have any questions regarding this email legal notice: Municipal Manager 054 3325911 or email: manager@dkm.gov.za

REPEAL

That all previous resolutions/policies regarding this matter be repealed.