



THE PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

THE PURPOSE OF POPIA

THE POPI ACT

- (a) recognises that a person's right to privacy includes protection against unlawful collection, retention, dissemination and use of personal information.
- (b) introduces measures to protect personal information that is processed by public and private bodies.
- (c) prescribes minimum requirements for processing personal information.

POPIA does not apply retrospectively.

THE MAIN PURPOSE OF POPIA IS TO

- (a) give effect to everyone's right to privacy as enshrined in the Constitution.
- (b) facilitate the balance between the right to privacy with other rights, such as the right to access information.
- (c) safeguard important interests, such as the free flow of information within the Republic and across international borders.

WHAT DOES THIS MEAN FOR NEWBERRY HOUSE?

Within its ambit, POPIA includes Newberry House as an entity that handles personal information of their stakeholders (parents, learners and teachers), as well as any other individual or juristic entity for administrative purposes. The standards set in POPIA for the protection of personal information significantly impacts upon the collection, handling and disposal of data in Newberry House. Sound practices and systems that protect the personal information of the parents, learners and teachers at Newberry House, will result in greater trust and confidence being placed in the School by parents and the general public.

In order to comply with the POPI act, Newberry House undertakes to:

- (a) plan and allocate resources to lawfully collect, handle and dispose of data;
- (b) analyse current practices in dealing with personal information;
- (c) proactively implement the requirements of POPIA



RIGHTS OF THE DATA SUBJECT

At Newberry House, a Data Subject has the right to:

- (a) be notified that personal information about her or him is being collected, and why;
- (b) be notified that his or her personal information has been accessed or acquired by an unauthorised person;
- (c) establish whether the school holds her or his personal information;
- (d) request access from the school to his or her personal information;
- (e) object, on reasonable grounds, to the processing of her or his personal information, including objecting to processing their personal information for purposes of direct marketing. However, it must be noted that Newberry House would be justified in processing the personal information of a Data Subject, without their consent, if processing the personal information is necessary for pursuing the legitimate interest of the school or of a third party to whom the information is given; protects a legitimate interest of a Data Subject; is necessary to conclude or perform a contract to which a Data Subject is a party; or complies with an obligation imposed by law.
- (f) submit a complaint to the Information Regulator regarding violations by a school to their rights to have their personal information protected; and
- (g) institute civil proceedings against a school for failing to protect their personal information.

The rights of a Newberry House Data Subject last for the duration that their personal information is in the control of the school.

Newberry House will adhere to the requirements of POPIA from the time a Data Subject's personal information is collected to the time the information is deleted or destroyed.



COMPLIANCE WITH POPIA : 8 GUIDING PRINCIPLES FOR NEWBERRY HOUSE

1. ACCOUNTABILITY

Responsibility for overseeing and managing compliance with POPIA requirements lies with the Head of School at Newberry House as the school Information Officer. He/she may appoint another party at Newberry House to aid and support in this role. The appointed persons are registered with and governed by the Information Regulator.

2. PROCESSING LIMITATION

Personal information at Newberry House will be processed in a fair and lawful manner that is transparent to the individual and will require the individual's explicit consent. The amount of personal information collected will not exceed its intended and stated purpose.

3. PURPOSE SPECIFICATION

Newberry House will ensure that personal information is only processed for specific, explicitly defined and legitimate reasons relating to the functions or activities of the school. Furthermore, Newberry House takes steps to make the Data Subject aware of the purposes for which the personal information will be processed. Personal information will only be kept for as long as it is required to fulfil the purpose for which it was collected or based on the requirements of the law.

4. FURTHER PROCESSING LIMITATIONS

Newberry House will only use personal information for those reasons that were specified at the time that the individual consented to the processing of the personal information unless a subsequent consent is obtained from the individual.

5. INFORMATION QUALITY

Newberry House takes reasonable practical steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary, and is relevant to the purposes for which it was collected.



6. OPENNESS

Newberry House will process information in a fair and transparent manner and individuals are aware of the specific personal information held about them and the purpose for which the information is being retained.

Accordingly, Newberry House will inform a Data Subject about the:

- (a) information being collected;
- (b) explicit purpose of why the data is being collected;
- (c) consequences of not providing the personal information;
- (d) existence of the right of access to, and the right to rectify, the personal information that was collected;
- (e) existence of the right to object to the processing of the personal information; and the
- (f) right to lodge a complaint with the Information Regulator.

7. SECURITY SAFEGUARDS

Newberry House will secure the integrity and confidentiality of the personal information in its possession or under its control by taking appropriate, reasonable, technical and organisational measures to prevent loss of, damage to or unauthorised destruction of the personal information or unlawful access to or processing of the personal information. This means all personal information will be kept secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure. Password protecting personal information and putting in place policies with clear processing protocols are some of the security measures that Newberry House will utilise in order to comply with POPI.

8. DATA SUBJECT PARTICIPATION

Data Subjects, having adequately identified themselves, have the right to request and access information about their personal information held by Newberry House. Newberry House may charge a fee for providing access to personal information. (The Minister of Justice and Constitutional Development will issue regulations on fees that can be levied to those who make information requests.) At present, Newberry House does not charge for this request, but this is subject to change.

Data Subjects may also require the School to correct or destroy personal information. There is no charge related to requests pertaining to correction or destroying of personal data. Requests to change, correct or destroy data must be received from the pertinent Data Subject in writing - via email or the prescribed



documentation provided by Newberry House. Again, it must be noted that where the school requires the record for lawful purposes and retaining the information is authorised or required by law, the personal information will be kept securely on record. See NH Retention of Records

PROCESSING SPECIAL PERSONAL INFORMATION

Special personal information refers to information concerning children or the information about a Data Subjects' race, health, religion, religious or philosophical beliefs, ethnic origin, trade union membership, sexual life, criminal behaviour or biometric information. Personal information about children is also a special category of information.

To process special personal information, specific requirements of enhanced protection are met, or the Data Subject consents.

ACCESS BREACH TO THE PERSONAL INFORMATION UNDER CONTROL OF NEWBERRY HOUSE

In the case of an access breach, Newberry House will notify the Data Subject and the Information Regulator as soon as reasonably possible after the discovery of the access breach to the personal information.

Newberry House will delay notifying the Data Subject if the Information Regulator or a public body, such as the South African Police Service, determines that notifying the Data Subject will impede a criminal investigation.

Newberry House will give written notice to a Data Subject of an access breach to their personal information in one or all of the following ways, determined by the nature of the breach:

- (a) mail at the last known physical or postal address;
- (b) e-mail to the last known e-mail address;
- (c) publishing a notice on the school website; or



(d) publishing a notice in the news media.

RETENTION AND DESTRUCTION OF PERSONAL INFORMATION

Newberry House will not keep records of personal information longer than is necessary for achieving the purpose for which the personal information was collected, or as may be prescribed in terms of a law or contract, or with the consent of the data subject.

Newberry House will destroy or delete a record of personal information or de-identify it after the School is no longer allowed to retain the record. In the instance in which Newberry House has used the personal information to make a decision regarding a Data Subject, POPIA legally prescribes the period the school must retain the personal information. Where a retention period is not prescribed, Newberry House will retain the personal information for a reasonable period to grant a Data Subject an opportunity to request access to the personal information.

Personal information will be destroyed, deleted or de-identified in a manner that prevents its reconstruction or reidentification.

Newberry House may retain personal information for a longer period than is necessary if:

- (a) the Data Subject has consented to the personal information being retained once they have left Newberry House;
- (b) the retention of the record is required by a contract between the school and the Data Subject;
- (c) the school requires the record for lawful purposes;
- (d) retaining the information is authorised or required by law; or
- (e) the personal information is for historical, statistical or research purposes.



EXCLUSIONS AND/OR EXEMPTIONS

Newberry House has been granted the following exclusions and exemptions:

- (a) Personal information that has been de-identified by the school to the extent that it cannot be re-identified will not be subject to POPIA. However, re-identified personal information falls within the scope of POPIA and is protected under it.
- (b) Where processing is required in terms of another law or legal obligation. Where there is an overlap with POPIA, the highest standard of protection will apply.
- (c) Information in the public domain.

DEFINITIONS

‘De-identify’ means to delete any information that:

- (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.

“Re-identify” means to resurrect any information that has been de-identified.

FORMS – Request at the office

POPI form 1: Objection to the processing of personal information

POPI form 2: Request for correction or deletion of personal information or destruction or deletion of record of personal information.

POPI form 3: Application for issuing code of conduct

POPI form 4: Request for data subject's consent to process personal information of a data subject for the purpose of direct marketing

POPI form 5: Submission of complaint



Newberry House

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Company Registration No. 2013/013485/08

(1) Any person who wishes to submit a complaint contemplated in section 74(1) of the Act must submit such a complaint to the Regulator on Part I of Form 5.

(2) A responsible party or a data subject who wishes to submit a complaint contemplated in section 74(2) of the Act must submit such a complaint to the Regulator on Part II of Form 5.