



Collegiate Girls ' High School

DATA PROTECTION and PRIVACY POLICY

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1. Introduction

1.1 The Protection of Personal Information Act (POPIA), which was signed into law in 2013, came fully into effect on 1 July 2021. POPIA gives effect to the constitutional right to privacy by safeguarding Personal Information. The Act is fundamentally designed to protect consumers by regulating how and when businesses can capture and use their data.

1.2 POPIA mainly intends to:

- promote the protection of Personal Information Processed by public and private bodies;
- introduce certain conditions to establish minimum requirements for the Processing of Personal Information;
- provide for the issuing of codes of conduct;
- provide for the rights of persons regarding unsolicited electronic communications and automated decision making.

1.3 Collegiate Girls' High School, hereinafter referred to as CGHS, is committed to:

- a) ensure that all Personal Information will be processed in a responsible manner that does not unjustifiably infringe the privacy of any data subject;
- b) secure the integrity and confidentiality of Personal Information of any data subject which comes into its possession or under its control; and
- c) comply with its obligations in accordance with all applicable and relevant laws including, but not limited to, Data Protection Laws.

2. Definitions

School	Means Collegiate Girls' High School (CGHS), a public school based in Gqeberha, Eastern Cape
SGB	means the School Governing Body as defined in the South African Schools Act, 84 of 1996
POPIA	means the Protection of Personal Information Act 4 of 2013
Responsible Party	means the SGB of CGHS and for the purposes of POPIA known as the responsible party, who alone or in conjunction with others determine the purpose of and means for Processing Personal Information.
Responsible Person	means the School Principal Email: collegia@cghs.co.za
Information Officer	means the individual registered as an information officer with the Information Regulator in terms of Data Protection Laws.
Data subject	means the person to whom personal information relates. Data subjects may include but is not limited to: learners, prospective learners, applicants, parents, guardians, employees, former employees, alumni/ae, research participants, employment candidates, third party operators, visitors, creditors, debtors, members of the public.
Principal	Means the head of Collegiate Girls' High School.
Information Regulator	The Information Regulator (South Africa) is an independent body established in terms of section 39 of the Protection of Personal Information Act, 2013. it is subject only to the law and the Constitution and it is accountable to the National Assembly. Website: https://www.justice.gov.za/inforeg/index.html Complaints: ir@justice.gov.za
Consent	means any voluntary, specific and informed expression of will, in terms of which permission is given for the Processing of Personal Information.
Data Control sheet	means a control sheet of all systems or contexts in which personal data is processed by CGHS.
Data Protection Laws	means any data protection or data privacy laws relating to Personal Information, applicable to the activities of CGHS from time to time, including POPIA, any laws, regulations, guidelines and/or codes of conducts issued by the Information Regulator.

De-identify	in relation to Personal Information means to delete any information that identifies or can be used or manipulated to identify the data subject, such that it cannot be re-identified again.
IT	means information technology
Personal Information	<p>When used in this Policy, the term “personal information” has the meaning given to it in the Protection of Personal Information Act, 2013 (POPIA).</p> <p>a) <u>Personal information</u> is any information that can be used to personally identify a natural or juristic person.</p> <p>b) <u>Special personal information</u> is any information that is considered by law to be particularly sensitive information. (i) It includes personal information about a child and/or (ii) religious or philosophical beliefs, race or ethnic, trade union membership, political persuasion, health, DNA, sexual orientation and criminal behaviour.</p>
Process or Processing	As defined in POPIA means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including – the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, degradation, erasure, de-identification or destruction of information.
Security Event	means where there is reason to believe or to suspect that Personal Information has been acquired, disclosed, used, dealt with in any way whatsoever or accessed by an unauthorised party or is reasonably likely to be acquired, disclosed, used or accessed by an unauthorised party.
Third Party Operator	means a Service Provider of CGHS appointed by the SGB and for the purposes of POPIA known as an Operator, who Processes Personal Information for CGHS terms of a contract or mandate, without coming under the direct authority of the CGHS.
Record	<p>Means any recorded information-</p> <p>(a) Regardless its form or medium, including any of the following:</p> <ul style="list-style-type: none"> (i) Writing on any material; (ii) information produced, recorded or stored by any 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) a label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; (iv) a book, map, plan, graph or drawing; (v) a 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. <p>(b) In possession or under the control of a responsible party;</p> <p>(c) Whether or not it was recreated by a responsible party; and</p> <p>(d) Regardless of when it came into existence.</p>

3. Policy brief and purpose

- 3.1 This policy ensures that CGHS gathers, stores and handles data fairly, transparently and with respect towards individual rights and it applies to all personal data processed by CGHS.
- 3.2 CGHS is committed to adhere to and comply with POPIA and is committed to ensure the protection of the Personal Information. The purpose of this policy is to ensure that CGHS and its Service Providers (Third parties) process personal information responsibly and in a manner that demonstrates its commitment to uphold the right to privacy of data subjects, subject to justifiable limitations.
- 3.3 It further establishes a common standard on the appropriate protection of Personal Information of data subjects and provides general principles regarding the right of individuals to privacy and to reasonable safeguarding and protection of their Personal Information.
- 3.4 This policy also specifies the minimum requirements and standards that are to be adhered to with regard to the Processing of Personal Information by Service Providers of CGHS.

CGHS may outsource services related to its data protection and IT management to its respective Service Providers. The School, however, remains committed to minimizing and managing the risks related to maintaining and protecting all school data:

- a) in accordance with its sensitivity and the risk to which it is exposed and
 - b) in a manner which is consistent with all relevant legal, regulatory and contractual requirements.
- 3.5 The SGB is equally committed to minimise and manage the operational risks that result from CGHS operations with specific reference to data and IT systems.
- 3.6 The SGB, in its commitment to comply with POPIA, will require that CGHS Service Providers adhere to the lawful Processing of Personal Information in line with POPIA.

4. Scope

- 4.1 This policy is applicable to the protection and processing of Personal Information throughout the information life cycle, from the point of first collection of Personal Information until the stage that such information is destroyed or De-Identified.
- 4.2 **Personal information** of a data subject includes (but is not limited to) the following;
- 4.2.1 **Biographical information:** including name, gender, date of birth, language, nationality;
 - 4.2.2 **Contact information:** including your telephone number(s), address, email address, your contact information if you are the emergency contact or next of kin of a union member or a member of staff;
 - 4.2.3 **Identification information:** including national identity details, company registration number, persal number, union membership number, death, marriage or birth certificate;

- 4.2.4 **Preferences:** including meal or marketing preferences;
 - 4.2.5 **Financial, legal and qualification information:** including bank account information, Value Added Tax number where data subject is a service provider to CGHS, bank statements (in the case of queries or refunds), financial and qualification background checks conducted when data subject applies to us for employment;
 - 4.2.6 **Professional information:** including, if you are a union member, your qualifications, subject phase grade, type of school taught in;
 - 4.2.7 **Service provider (Supplier) onboarding information:** including contact details, address, banking details and references;
 - 4.2.8 **Communications:** including application forms, information sharing letters, surveys and other correspondence;
 - 4.2.9 **Website information:** including information collected through cookies when the data subject uses our websites to which our cookies policy applies, or other information the data subject provides to us when using our websites;
- 4.3 **Special Personal Information** are categories of Personal Information that are afforded a higher level of protection by Data Protection Laws. Particular care should be taken in protecting Special Personal Information from loss, damage, unauthorised use, disclosure or access.
- 4.4 Subject to any other justifications under Data Protection Laws which may exist in relation to Special Personal Information (or a certain category of Special Personal Information), Special Personal Information should only be processed and disclosed to Service Providers or third parties with the consent of the member (or a competent person in respect of a child).
- 4.5 There may be instances where CGHS will need to process and retain “special personal information” of a learner, parent, guardian or Member of staff as defined in Section 26 of the Act:
- 4.5.1 **Health/medical information** (for example allergies, disabilities, dietary requirements), so that we can provide the member with assistance and support should they require it during events, meetings, when booking flights or transport on their behalf or in case of a member of staff when there is an emergency at the office;
 - 4.5.2 **Biometric information** such as fingerprints, so that we can implement security and access control measures at our premises and voice recordings of telephone conversations for record and evidentiary purposes;
 - 4.5.3 **Religious beliefs** such as information about religious dietary requirements;

4.5.4 **Criminal behaviour and offences** namely details of criminal behaviour and offences committed in any facility for which we bear responsibility or criminal background checks conducted when a data subject apply to us for employment; and

4.5.5 Photographs and CCTV footage

4.6 Section 26 of the Act states the following;

The prohibition on processing personal information, as referred to in section 26, does not apply if the—

4.6.1 processing is carried out with the consent of a data subject referred to in section 26;

4.6.2 processing is necessary for the establishment, exercise or defense of a right or obligation in law;

4.6.3 processing is necessary to comply with an obligation of international public law;

4.6.4 processing is for historical, statistical or research purposes to the extent that—

(a) the purpose serves a public interest and the processing is necessary for the purpose concerned; or

(b) it appears to be impossible or would involve a disproportionate effort to ask for consent,

(c) and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent;

4.6.5 information has deliberately been made public by the data subject; or

4.6.6 provisions of sections 28 to 33 are, as the case may be, are complied with.

5. Who is bound by the Data Protection Policy?

5.1 The policy binds all CGHS Members of staff (state/ SGB appointees), Interns and Student Teachers, the SGB, as well as contractors, consultants, agents, service providers and any other external entity we collaborate with or who acts on our behalf to deliver various services for the CGHS and its Staff and who may need access to data.

5.2 If a member of staff, intern or student teacher, who is required to process personal information of a data subject, is uncertain whether he/she complies with the POPIA, he /she must obtain clarity from the Principal (Information Officer).

6. Data Protection Principles

As part of our operations, we need to obtain and process information. This information includes any offline or online data that makes a person identifiable such as names, addresses, usernames and passwords, digital footprints, photographs, identity numbers, financial data, medical information, employment history etc.

CGHS collects this information in a transparent way and only with the full co-operation and knowledge of interested parties. Once this information is available to us, the following principles apply;

6.1 Accountability: CGHS is accountable for ensuring that the provisions of applicable Data Protection Laws and the requirements outlined in this policy are complied with through implementing appropriate practices, policies and procedures.

6.2 Processing limitation: Information must be adequate, relevant and not excessive, processed within its legal and moral boundaries and with consent, unless required in order to comply with legislation. Where processing is in line with applicable legislation, Eastern Cape Education Department or SGB policy to process Personal Information without necessarily having to obtain the specific consent of Staff, parents, learners or its Service Providers may process Personal Information without obtaining prior consent.

The School will only share Personal Information with its third-party operator if the parent, guardian, intern, student teacher or staff member has consented to such disclosure or to the extent that it is required to do so in terms of its rules, by law, in connection with any legal proceedings or any prospective legal proceedings.

Personal Information must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the Personal Information are processed, unless authorised or required by applicable laws;

6.3 Purpose: Personal Information must be collected for specified, explicitly defined and legitimate purposes relating to the function or activity of the CGHS and notified to its data subjects. Personal Information may not be further processed in a manner that is incompatible with these purposes.

Where CGHS discloses Personal Information to Service Providers, the Service Providers will be obliged to use that Personal Information only for the reasons and purposes it was disclosed for.

Personal Information must not be processed for a secondary purpose unless that secondary purpose is compatible with the original purpose or authorised by Data Protection Laws.

6.4 Information quality: Personal Information collected must be complete, accurate, not misleading and updated when required, having regard to the purpose for which the information was collected.

Every reasonable step must be taken to ensure that Personal Information that is inaccurate, having regard to the purposes for which it is processed, is erased or rectified without delay.

6.5 Openness: Data subjects must be informed of the collection of Personal Information and purpose of collection. This includes that all necessary disclosures are made as required by applicable Data Protection Laws and this policy.

6.6 Security measures: The integrity and confidentiality of Personal Information must be secured and CGHS must be comfortable that there are reasonable security safeguards against risks, such as unauthorised

access, unlawful processing and use, accidental or intentional loss, destruction or damage, unauthorised or unlawful amendment or disclosure of Personal Information.

6.7 Data subject participation: A Data subject will have the right to request details of any Personal Information held by CGHS in respect of the specific data subject.

6.8 Special Personal Information: Special Personal Information that is collected or processed must be treated with the highest of care.

In all instances where it is required to process “special personal information”, the Principal (Information Officer) must be approached to verify that one or more of the exemptions of S. 27 of the POPIA is/are applicable to the particular case.

6.9 Sharing of Personal Information: When Personal Information is shared with Service Providers or third parties (including permitting access, transmission or publication), it may only be shared with reasonable assurance that the recipient has suitable privacy and security protection controls in place.

7. Processing data containing “Personal information”

Documents that contain Personal Information of any data subject must be password protected when shared via the email system and may only be shared with authorised members of staff or appointed third party operators.

Data containing Personal Information must be treated as follows:

7.1 Information of Members of Staff/ Interns/ Student Teachers

7.1.1 Only authorised members of staff may process staff information.

7.1.2 All required staff information must be recorded on/uploaded to Payroll by authorised finance staff.

7.1.3 Staff information and documents must be filed in their personnel files and these files, together with the monthly payroll files, must be kept in a locked cupboard. Only authorised staff may have access to these files.

7.1.4 When members of staff’s data is downloaded from Payroll it

- (a) may **NOT** be saved to a memory stick
- (b) may **ONLY** be saved to the user’s own school computer or an access restricted folder
- (c) may only be shared with authorised members of staff or third parties in a secure manner i.e. access restricted folder or via email if the document is password protected

7.1.5 When it is necessary to share staff information with authorised third party operator only the Principal (Information Officer) can authorize such access.

7.1.6 Members of staff who are authorised to process personal information of staff include:

- (a) Principal (Information Officer)
- (b) Deputy Principal
- (c) Finance Officers tasked with processing staff information on Payroll
- (d) Internal Auditor
- (e) Those with specific prior written authorization from the Principal.

8. Third Party Operators

8.1 CGHS will ensure that Third Party Operators it contracts process Personal Information in accordance with this policy and applicable data protection laws.

8.1.1 This is achieved through the Third Party Operator Declaration and Undertaking contained in Annexure A that must be signed by, or incorporated into the service agreements with, all Third Party Operators who process Personal Information for CGHS.

8.1.2 The template Third Party Operator Declaration and Undertaking, as set out in Annexure A, contains the terms and conditions that must be taken into account in all written agreements with Third Party Operators.

8.2 All Operators will be required to adhere to POPIA, this policy and all other Data Protection Laws and may, depending on the service they provide to CGHS, be required to declare in writing at a frequency as determined by the SGB:

8.2.1 How POPIA will generally be adhered to and which security processes and measures are in place to safeguard Personal Information;

9 Security measures

CGHS, as the responsible party, will adopt the following measures and/or procedures to achieve compliance with the provisions of POPIA and any other Data Protection Laws:

9.1 Create and maintain awareness amongst its members of staff and other data subjects about its information security policies and procedures through on-boarding processes and ongoing security awareness drives.

9.2 Inform members of the collection of Personal Information and the purpose of collection and be made aware of the rights conferred upon them as data subjects under Data Protection Laws.

9.3 Where Data Protection Laws prescribe forms for access requests, CGHS will ensure that such forms are placed on their website and are readily available via all member channels.

9.4 A general cautionary note will be included in the agendas of meetings of CGHS and sub-committees to indicate that CGHS information is “strictly confidential” and that no Personal Information of members or staff/ Interns/ Student Teachers may be made available to third parties other than the contracted Service Providers of CGHS.

9.5 Each member of staff/ Intern/ Student Teacher must sign a confidentiality undertaking to comply with the provisions of POPIA.

9.6 Maintain and update as necessary Annexure P of the Finance Policy which records CGHS retention and destruction policy. Annexure P details the different types of records and the different periods applicable to such records.

9.7 Third Party Operators:

9.7.1 The provisions in Annexure A will be taken into account in all written agreements with Third Party Operators.

9.7.2 Declarations in terms of clause 8.2 will be obtained from Operators at a frequency as determined by the SGB.

9.8 The SGB will document and implement specific procedures, processes and controls for lodging and handling complaints related to the Processing of Personal Information.

9.9 CGHS will inform Data Officers and Staff/ Interns/ Student Teachers of complaints procedures through the websites, member brochures or other documents, which must be readily available and easy to understand. The complaint resolution process must be explained, and contact information for Members to reach the Information Officer/(s) must be provided.

9.10 All Personal Information leaving secure environments is adequately protected by using appropriate technologies, like encryption or physical controls.

9.11 Members' names will be excluded from all generic reports and only member numbers will be used instead.

9.12 Where specific staff names are needed, such as for Labour cases, Financial Claims and the distribution of benefits to beneficiaries, these reports/documents must be clearly marked "strictly confidential".

9.13 The SGB will not share Personal Information through unsecure methods and will take special care to Data Protection Law requirements when transferring Personal Information to a third party.

9.14 All attachments containing Personal Information of members must be password protected before it is sent via email to any person.

9.15 Special care must be taken that used documents containing Personal Information be disposed of and destroyed in a controlled environment

9.16 Where SGB or sub-committee member or member of staff becomes aware or suspicious of any Security Event such as any unauthorised access, interference, modification, destruction or the unsanctioned disclosure of Personal Information, he or she must immediately report this event or suspicion to the Principal (Information Officer).

9.17 Where there are reasonable grounds to believe that a Security Event has occurred and to the extent required by applicable laws, CGHS will ensure that the Information Regulator and the affected members (unless the identity of the data subjects cannot be established) are notified as soon as reasonably possible.

10. Data and storage retention, archiving and removal of data

10.1 CGHS and/or its Operators will ensure that Personal Information, including Special Personal Information which they process, is processed in a secure and confidential manner appropriate to the classification of the information, in accordance with the relevant provisions of Data Protection Laws.

10.2 In order to comply with Data Protection Laws, CGHS or its Operators –

10.2.1 Must keep records of the Personal Information it has collected, correspondence or comments in an electronic or hardcopy file format. Personal Information may be processed for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law;

10.2.2 May retain Personal Information for longer periods for statistical, historical or research purposes, and should this occur, CGHS and/or its Operators will ensure that appropriate safeguards have been put in place to ensure that:

- (i) all recorded Personal Information will continue to be processed in accordance with this policy and the applicable laws, and
- (ii) the records of Personal Information shall not be used for any other purposes;

10.2.3 Must, once the purpose for which the Personal Information was initially collected and processed no longer applies or becomes obsolete, and there is no legitimate reason for retention of such Personal Information, ensure that it is deleted, destroyed or De-Identified.

10.2.4 Where CGHS or its Operators no longer need Personal Information for achieving the purpose for which it was initially collected or subsequently processed, but retains such personal Information for the purposes of proof, the CGHS or its Operators will not be required to delete or destroy such information, but must restrict the processing of such Personal Information from further circulation, publication or use and ensure that there are appropriate security safeguards consistent with the requirements of this policy in respect of such Personal Information.

10.3 To ensure that personal data is kept for no longer than necessary, CGHS shall put in place an archiving policy for each area in which personal data is processed and review this process annually. The archiving policy shall consider what data must be retained, for how long, and why.

10.4 Refer to Annexure P of the Finance policy for Retention periods

11. Access and correction of Personal Information

11.1 Staff/ Interns or Student Teachers have the right to access the Personal Information that CGHS or its Operators hold about them.

11.2 Staff/ Interns or Student Teachers also have the right to request CGHS or its Operators to update or correct their Personal Information.

11.3 CGHS and its Operators must take all reasonable steps to confirm a member's identity before providing details of their Personal Information or making changes to their Personal Information.

12. Lawful, fair and transparent processing

12.1 To ensure its processing of data is lawful, fair and transparent, CGHS shall maintain Data Control sheets for each main category of data within each office.

12.2 The Data Control sheets shall be reviewed at least annually.

13. Complaints Procedures

13.1 CGHS complaints procedure described in clauses 9.8 and 9.9 must, at a minimum, contain the following:

13.1.1 Staff/ Intern/ Student Teachers must be encouraged to submit their complaints/enquiries which relate to the Processing of Personal Information, directly to CGHS instead of approaching the Information Regulator, in order to give CGHS the opportunity to swiftly and efficiently address the complaint/ enquiry internally and outside of the public domain.

13.1.2 Staff/ Intern/ Student Teacher must be able to direct a challenge regarding an alleged infringement of their rights to the Principal (Information Officer). CGHS must therefore establish procedures to receive and respond to enquiries or challenges to its policies and practices relating to the handling of Personal Information. These procedures must be easily accessible and simple to use.

14. Information Officer

14.1 The SGB will appoint an Information Officer.

14.2 The Information Officer's duties and responsibilities will be set out in a written agreement.

14.3 The Information Officer may designate a Deputy Information Officer(s) to assist with fulfilling his/her responsibilities and may delegate his/her responsibilities to a Deputy Information Officer, provided that any such delegation:

14.3.1 Must be in writing;

14.3.2 Does not prohibit the Information Officer from exercising the power concerned or performing the duty concerned himself or herself; and

14.3.3 May at any time be withdrawn or amended in writing by the Information Officer.

15 Monitoring and enforcing

15.1 The SGB is responsible for

15.1.1 monitoring and overseeing the implementation of this policy

15.1.2 CGHS ongoing compliance with this policy

15.1.3 the annual review of this policy

15.2 All principles described in this policy must be strictly followed. A breach of data protection guidelines will invoke disciplinary and possibly legal action.

15.3 Non-compliance with this policy may result in the termination of mandates of Service Providers.

SIGNED:

CHAIRPERSON: _____ **DATE:** _____

PRINCIPAL: _____ **DATE:** _____

