



MICKLEFIELD
SCHOOL

MICKLEFIELD SCHOOL ("Our School")

DATA PROTECTION POLICY

OUR SCHOOL MISSION

Micklefield School offers a broad but individualized independent, junior school, educational experience. Its small and caring family environment encourages its girls to grow to their full potential and to become valuable members of society.

OUR SCHOOL VALUES

Micklefield girls are:

Proud

Honest

Respectful

Considerate

Responsible

Compassionate

Friendly

PURPOSE

This policy sets out the way in which Our School will deal with personal information, in line with the Protection of Personal Information Act, 2013 ("POPIA").

Review Date	29 June 2021
Reviewed By	Joanne Tudhope
Next Review	June 2022

Approved By:

Headmistress **Date**29 June 2021.....



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1. **THE PROTECTION OF PERSONAL INFORMATION ACT**

1.1. POPIA aims to give effect to the Constitutional right to privacy, on 20 August 2013 and will come into force on a date to be determined by the President by proclamation in the Gazette, which date is yet to be determined. Certain provisions relating to the establishment of the Information Regulator (“**Regulator**”) and the making of Regulations under POPIA have however come into force on 11 April 2014.

1.2. Once the commencement date of POPIA is announced, our School will have a **one year transitional period** to comply with its provisions. Despite this, we take privacy seriously and are committed to proactive compliance.

1.3. **What is the point of POPIA?**

The main purpose of POPIA is the protection of personal information. POPIA includes a series of safeguards for individuals and organisations to implement to effectively protect personal information. Personal information about individuals and organisations must be treated with respect and be secure.

1.4. **Who does it apply to?**

POPIA applies to everyone, including schools. It is mandatory for our School to comply with POPIA. We must make sure that personal information about pupils, parents, staff, volunteers and suppliers is processed in compliance with POPIA.

2. **WHAT IS PERSONAL INFORMATION?**

2.1. Personal information is any information that relates to an identifiable living person or existing organisation. This can be their name, age, address, phone number, educational history and the like. It also relates to details about that person, which can include opinions and views.

2.2. Some personal information is considered to be more sensitive or special, and therefore more important to protect. This is information about racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, data concerning health or sex life and sexual orientation, biometric information where processed to uniquely identify a person (including facial images, fingerprints and voiceprints).

2.3. Our School often collects personal information, including special personal information, such as health information contained in parent questionnaires and sick notes. Personal information about other family members may also be on the school file. We should generally not collect



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or use special personal information without consent from the data subject (discussed in paragraph 5 below) or their parent or legal guardian.

2.4. Although Our School is (as a general rule) not allowed to process special personal information without consent, schools may process special personal information if such processing is necessary to provide special support for pupils or making special arrangements in connection with their health or if there are concerns that a child may be sexually abused.

3. **WHO IS A “RESPONSIBLE PARTY”?**

Our School's governing body is the responsible party. It has ultimate responsibility for how our School manages personal information of data subjects (discussed in paragraph 5 below). The governing body may delegate this to operators (agents) to act on its behalf.

4. **WHO IS AN “OPERATOR”?**

4.1. This is a person or organisation that uses, collects, accesses or amends the personal information that the responsible party has collected or has authorised to be collected by third parties. It can be a third-party company, such as a contractor.

4.2. Responsible parties must make sure that operators are as careful about the personal information as the responsible parties themselves. POPIA places obligations on our School as responsible party to make sure that it enters into agreements with our operators to ensure that this is the case.

5. **WHO ARE DATA SUBJECTS?**

A data subject is someone whose personal information our School processes, such as pupils, their family members, staff, visitors and suppliers.

6. **WHO IS OUR INFORMATION OFFICER**

6.1. We have an Information Officer whose duties include:

6.1.1. the encouragement of compliance, by our School, with the conditions for the lawful processing of personal information set out in paragraph 8 below;

6.1.2. dealing with requests made to our School pursuant to POPIA;

6.1.3. working with the Regulator in relation to investigations conducted in terms of POPIA in relation to our School;



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- 6.1.4. communication with the Regulator, where necessary;
- 6.1.5. developing, implementing, monitoring and maintaining a compliance framework ;
- 6.1.6. doing privacy impact assessments to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information set out in paragraph 8 below.
- 6.1.7. developing, implementing, monitoring, maintaining and making available a manual as prescribed in the Promotion of Access to Information Act 2 of 2000 (“**PAIA Manual**”);
- 6.1.8. developing internal measures together with adequate systems to process requests for information or access thereto; and
- 6.1.9. conducting internal awareness sessions and campaigns regarding the provisions of POPIA, codes of conduct, or information obtained from the Regulator.

6.2. Our Information Officer is Jeannette Welgemoed. Their contact details are:

6.2.1. Email: jwtelgemoed@micklefield.co.za

6.2.2. Telephone: 021 685 6494

7. PROCESSING PERSONAL INFORMATION

- 7.1. Our School must have a lawful reason to process the personal information about a data subject. Our privacy notice on our website sets out what, how and why we use such personal information. POPIA has 8 (eight) conditions for lawful processing and when we process personal information we must comply with these conditions. We deal with these in more detail in paragraph 8 below.
- 7.2. If there is a data breach we have a separate policy and procedure to follow to take immediate action to remedy the situation as quickly as possible and to give prescribed notice to the Regulator and the affected data subjects.

8. THE CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

8.1. Accountability



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Our School must process personal information in a responsible manner and in compliance with POPIA.

8.2. Processing limitation

8.2.1. Our School must process the personal information in a lawful and reasonable manner. We must only collect the minimum amount of personal information needed for a particular task or reason. If there is a breach or a hack only limited information will be compromised.

8.2.2. The safest lawful justification for the processing of personal information is to obtain express, informed and specific consent from data subjects. When the data subject is under the age of 18 (eighteen) the consent should be obtained from that child's parents or legal guardian. We therefore often ask for consent to use personal information about our pupils from their parents/legal guardians for a particular purpose. Such consent may be obtained by means of data subjects agreeing to our privacy notice on our website, disclaimers at the entrance to our school, application or other forms or clauses in contracts.

8.2.3. If data subjects wish to withdraw consent, they have to complete a form in our PAIA Manual to allow us to process such request.

8.2.4. It is not necessary for our School to obtain consent from a data subject to process his or her personal information when:

8.2.4.1. processing complies with the obligation imposed by law on our School;

8.2.4.2. processing protects a legitimate interest of the data subject;

8.2.4.3. processing is necessary for the proper performance of a public law duty by a public body; or

8.2.4.4. processing is necessary for pursuing the legitimate interests of our School or of a third party to whom the information is supplied.

8.2.5. Our School has several legitimate reasons for processing personal information as explained in the privacy notice on our website.



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8.3. Purpose specification

- 8.3.1. Our School must collect personal information for a specific purpose, such as teaching or collecting fees, of which the data subject is usually aware.
- 8.3.2. Our School must not retain records of personal information for longer than authorised to achieve the relevant purpose, unless, for example, such information is required for historical, statistical or research purposes and provided that adequate safeguards are in place.
- 8.3.3. Our School must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after we are no longer authorised to retain the record.
- 8.3.4. The destruction or deletion of personal information must be done in a manner that prevents its reconstruction in an intelligible form.
- 8.3.5. Our School has a retention policy that explains how long we store records.

8.4. Further processing limitation

- 8.4.1. Unless our School has obtained consent, or it is lawful to do so, personal information should not be used for a purpose that is not compatible with the reason for which it was originally collected.
- 8.4.2. Our School only shares personal information with third parties if this is permitted in terms of POPIA. Guidance from the Department for Education, the Regulator and other relevant bodies may be used to determine whether personal information may be shared.

8.5. Information Quality

- 8.5.1. Our School should ensure that the personal information is complete, accurate, not misleading and updated where necessary, taking into consideration the purpose for which the information was further processed.
- 8.5.2. We check the accuracy of personal information regarding our pupils when they join our School and on an annual basis. We have processes in place to make sure personal information relating to other data subjects (such as family members of pupils, our staff and suppliers) is also accurate and kept up to date.



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8.5.3. If a data subject feels that the information held is inaccurate or should not be held by the our School, a dispute resolution process and complaint process can be accessed, using the suitable forms set out in our PAIA Manual.

8.6. Security safeguards

8.6.1. In order to secure the integrity and confidentiality of personal information, our School must take appropriate, reasonable technical and organisational measures to prevent the loss or damage to or unauthorised access of personal information.

8.6.2. An operator (or agent of our School) must only process personal information with the knowledge or authorisation of our School and should treat such information as confidential, and only disclose such information if required to do so by law, or in the course of the proper performance of their duty.

8.6.3. Our School must enter into a written contract with an operator to ensure that the operator establishes and maintains appropriate, reasonable, technical and organisational security measures when processing personal on our behalf.

8.6.4. In the event of any unauthorised access to the system of the operator, such incident should be reported immediately to our School by the operator.

8.6.5. Our School must report any unauthorised access or disclosure of personal information to the Regulator and the relevant data subjects within reasonable time.

8.6.6. We have implemented processes to keep personal information (including in paper form and electronic records) safe, including the following:

8.6.6.1. in our School, every secure area has individuals who are responsible for ensuring that the space is securely maintained and controlled if unoccupied, i.e. locked. Offices and cupboards that contain personal information should be secured;

8.6.6.2. the Principal and/or the Information Officer is/are responsible for authorising access to secure areas;

8.6.6.3. all staff, contractors and third parties who have control over lockable areas must take due care to prevent data breaches; and



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8.6.6.4. when disposal of records containing personal information is necessary a suitable process must be used, to prevent data protection breaches. For example, paper copies are shredded using a cross-cut shredder.

8.6.7. These processes, when undertaken by a third party (i.e. an operator), are subject to contractual conditions to ensure POPIA compliance.

8.7. Data subject participation

8.7.1. Data subjects have certain rights, including:

8.7.1.1. to be informed about the personal information our School processes about them;

8.7.1.2. to access the personal information stored about them or their children (known as a data subject access request);

8.7.1.3. to rectification if there is an error on the personal information stored by our School;

8.7.1.4. to erasure if there is no longer a need for our School to keep the personal information; and

8.7.1.5. to object to personal information being shared or collected.

8.7.2. Our School also has legal and contractual obligations to share information with organisations such as the Department of Education. In some cases these obligations override data subject rights.

8.7.3. We deal with these rights (including data subject access requests) in our privacy notice on our website and in our PAIA Manual. In sum:

8.7.3.1. the data subject will be required to fill out a form, and provide proof of identification for us to process the request;

8.7.3.2. when we receive a request we may ask the data subject to be more specific about the information that he or she requires. This is to refine any queries to make sure the data subject accesses what he or she



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needs, rather than being provided with a lot of information that may not be relevant to his or her query;

8.7.3.3. in some cases, due to contractual, legal or regulatory reasons, our School cannot share all information we hold on file if there are contractual, legal or regulatory reasons; and

8.7.3.4. Our School will generally not release information provided by a third party without that person or his/her parent's/legal guardian's consent.

9. DIRECT MARKETING

9.1. Any communications sent out by our School for the direct or indirect purpose of marketing our school or to request donations will be vetted by our Information Officer for POPIA compliance.

9.2. These communications will only be sent to parents/legal guardians of existing pupils or to persons who have consented in a POPIA compliant manner and will include a simple opt-out mechanism.

10. TRANSBORDER TRANSFERS OF PERSONAL INFORMATION

10.1. Our Information Officer will establish whether we transfer any personal information outside the Republic. If so, our School will obtain consent from the relevant data subjects before transferring such information and where this is not practicable, we will ensure that such transfers comply with the requirements set out in POPIA.

11. PHOTOGRAPHS

As a general rule, we will not process photographs of pupils or their families (including on any social media platforms) without the consent of the data subject or the parent/legal guardian, where applicable.

12. CCTV POLICY

We use CCTV and store images for a period of time in line with our CCTV policy. CCTV may be used for:

12.1. detection and prevention of crime;

12.2. our School staff disciplinary procedures;



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12.3. pupil behaviour and exclusion management processes; and

12.4. to assist our School in complying with legal and regulatory obligations.

13. COMPLAINTS AND THE REGULATOR

13.1. Our School's PAIA Manual deals with complaints about privacy issues.

13.2. We will always try to resolve such issues on an informal basis, and then through our formal complaints procedure.

13.3. Data subjects also have the right to approach the Regulator whose contact details are set out in our PAIA Manual.

14. REVIEW

14.1. A review of the effectiveness of POPIA compliance and processes will be conducted by the Information Officer every 12 (twelve) months.

14.2. As this policy is based on new legislation, it will also be reviewed if and when any relevant guidance is published.