



**TSHWANE  
MUSLIM SCHOOL**

# **PROTECTION OF PERSONAL INFORMATION ACT (POPI ACT)**

Company Reg No. 1990/ 003356/ 08  
EMIS NO: 700 232 167  
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Accreditation No.: 17SCH00190251

## **SCHOOL POLICY**

<b>Date:</b>	<b>July 2021</b>
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<b>Topic:</b>	<b>PRIVACY POLICY (Protection of Personal Information Act – POPI)</b>
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<b>Enclosures:</b>	<b>None</b>
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<b>Distribution:</b>	<b>STAFF/ PARENTS</b>
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<b>For Action:</b>	<b>ALL STAFF</b>
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<b>Implementation Date:</b>	<b>August 2021</b>
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<b>Review Date:</b>	<b>January 2023</b>
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## **1. INTRODUCTION OF POPI AND ITS MEANING TO SCHOOLS**

### **1.1 The purpose of Popi**

The Protection of Personal Information Act (POPI) was signed into law on 19 November 2013 and published in the Government Gazette on 26 November 2013. The POPI Act:

- recognises that a person's right to privacy includes protection against unlawful collection, retention, dissemination and use of personal information.
- introduces measures to protect personal information that is processed by public and private bodies.
- prescribes minimum requirements for processing personal information.
- give effect to everyone's right to privacy as enshrined in the Constitution;
- facilitate the balance between the right to privacy with other rights, such as the right to access information; and
- safeguard important interests such as the free flow of information within the Republic and across international borders.

### **1.2 What does this mean for schools?**

The scope of POPI includes schools as entities that handle personal information for administrative purposes. The standards set in POPI for the protection of personal information will significantly impact upon the collection, handling and disposal of data in schools. In order to comply with POPI, schools will need to:

- plan and allocate resources to lawfully collect, handle and dispose of data;
- analyse their current practices in dealing with personal information;
- draft or review their own data protection policy in line with the new requirements set out in POPI; and
- proactively implement the significant requirements of POPI to enable schools to avoid the pressure of meeting the compliance deadline of POPI.

### **1.3 What conditions does POPI impose on schools to keep the personal information safe and secure?**

POPI requires schools to:

- secure the integrity and confidentiality of the personal information that it has in its possession or under its control;
- take appropriate steps to prevent the loss of, or damage to, the personal information;
- prevent unlawful access to, and unauthorised destruction of, the personal information;
- identify internal and external risks to the personal information under its control or possession; and
- establish and maintain appropriate safeguards against losing or damaging the personal information.

## **2. Definitions**

### **2.1 What is 'personal information'?**

Personal information is broadly defined in POPI as meaning information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to:

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location, online identifier or other particular assignment to the person;
- the biometric information of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal personal information about the person.

## 2.2 What is 'processing' of personal information?

Processing refers to any act that can be performed when handling personal information. POPI defines processing to include collecting, recording, organising, updating, storing, distributing, destroying or deleting personal information.

# TSHWANE MUSLIM SCHOOL'S PRIVACY POLICY

## IN TERMS OF POPI ACT CONDITION 6, SECTION 18, NOTIFICATION

### 1. INTRODUCTION

Tshwane Muslim School respects your privacy and protecting your information is paramount. Please read this Privacy Policy carefully before using our website or registering your child with us in order to understand TMS views and practices regarding your personal data and how we will treat it. This Privacy Policy sets out the basis on which any personal data will be processed by us.

By submitting your Personal Information to us, you will be treated as having given your permission – where necessary and appropriate – for disclosures referred to in this policy. By reading this policy, you acknowledge that you have reviewed the terms of this Privacy Notice and Consent to Use of Personal Information (the "Privacy Notice and Consent") and agree that we may collect, use and transfer your Personal Information in accordance therewith. If you do not agree with these terms, you may choose not to provide any Personal Information, but this may impact on our ability to support you and your learner. This policy explains how we obtain, use and disclose your **personal** information, as is required by the **Protection of Personal Information Act, 2013 (POPI Act)**. At Tshwane Muslim School we are committed to protecting your privacy and to ensure that your Personal Information is collected and used properly, lawfully and openly.

### 2. LEGISLATIVE FRAMEWORK

#### 2.1 South African Schools Act 84, 1996

## 2.2 The Protection of Personal Information Act (POPI), 2013

### 3. DEFINITION OF PERSONAL INFORMATION

According to the POPI Act "Personal Information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The POPI Act, which has more specific examples if you need them, can be found at the following link:

<https://drive.google.com/file/d/16AMFAI6XkPQWDMde7sf1OfhFAhfjFlnV/view?usp=sharing>

### 4. HOW WE COLLECT DATA ABOUT YOU

**We may collect and process the following data about you:**

**Information you give us.** You may give us information about you when you register your child/children or by communicating with us by phone, email or otherwise. This includes information you provide when you subscribe to our services, participate in social media functions on our website, provide us with feedback, participate in surveys, and when you report a problem.

The information you give us may include:

- First name & last name
- Address
- Email address
- Phone number
- Date of birth
- ID number
- Employment status
- Salary
- Bank account information
- Identification documentation

Unless otherwise indicated, providing this information is mandatory in order for Tshwane Muslim School to provide services to you and should you fail to provide the information, we may not be able to provide the services you have requested.

### 5. HOW WE USE YOUR INFORMATION

We will use your Personal and Non-Personal Information only for the purposes for which it was collected or agreed with you, for example:

We will use this information to:

- administer your account and relationship with us and to communicate with you by telephone, mail, email, text (SMS) message, instant messaging or other electronic means;
- verify your identity as part of our identity authentication process.
- comply with legal or regulatory requirements)
- Analyse the effectiveness of our advertisements, competitions and promotions.
- For audit and record keeping purposes
- In connection with legal proceedings
- Suggest products or services (including those of relevant third parties) which we think may be of interest to you.
- To assist with business development of the school.
- To carry out our obligations arising from any contracts entered into between you and us.
- To conduct market or customer satisfaction research or for statistical analysis
- To notify you about changes to our service, policies etc.
- To respond to your queries or comments
- We will also use your Personal Information to comply with legal and regulatory requirements to which we subscribe or which apply to us, or when it is otherwise allowed by law.

Where we collect Personal Information for a specific purpose, we will not keep it for longer than is necessary to fulfil that purpose, unless we have to keep it for legitimate business or legal reasons. In order to protect information from accidental or malicious destruction, when we delete information from our system we may not immediately delete residual copies from our system or remove information from our backup systems.

## **6. INFORMATION WE RECEIVE FROM OTHER SOURCES.**

We may combine this information with information you give to us and information we collect about you. We may use this information and the combined information for the purposes set out above. We may monitor or record telephone conversations or other communications between you and us. We will use these recordings or transcripts of them to check your instructions to us, analyse, assess and improve our services to parents, for training and quality

purposes and for the purposes of investigating any complaint you may make, or as evidence in any dispute or anticipated disputes between you and us.

## **7. PERSONAL INFORMATION SECURITY**

We are legally obliged to provide adequate protection for the Personal Information we hold and to stop unauthorised access and use of personal information. We will, on an on-going basis, continue to review our security controls and related processes to ensure that your Personal Information is secure.

Our security policies and procedures cover:

- Acceptable usage of personal information
- Access to personal information
- Computer and network security
- Investigating and reacting to security incidents
- Monitoring access and usage of personal information
- Physical security
- Retention and disposal of information
- Secure communications
- Security in contracting out activities or functions

### **7.1 The legal basis for us processing your personal information.**

The legal basis upon which we base our processing of your personal information as described above will typically be one of the following: (a) Your consent; (b) Performance of a contract with you; (c) Pursuing our legitimate interests; or (d) Compliance with our legal obligations.

### **7.2 Who we may share your data with**

We may share your information with selected third parties, including:

- District Education Office, Provincial and National Department of Education
- credit bureaux, to obtain your credit score and credit report and to provide our services to you.
- Fraud prevention agencies, to prevent crime and trace those responsible
- Appointed legal representatives of the school.

- School community (parents & learners) via school social media platforms as well as media outlets.

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that we remain responsible for, is kept secure.

We will ensure that anyone to whom we pass your Personal Information agrees to treat your information with the same level of protection as we are obliged to.

## **8. WHERE WE STORE YOUR DATA**

Although we will do our best to protect your personal data, we cannot guarantee the security of your data transmitted to our website; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access, loss or damage.

## **9. HOW LONG WE KEEP YOUR INFORMATION FOR**

How long we keep your information will depend on the purpose for which we use it. We will only retain your information for as long as is necessary for those purposes.

Please note that if you withdraw consent to the processing of your personal data, access to our website and the associated services will be suspended or terminated.

### **9.1 Your rights**

You can exercise specific rights with regards to the data we hold about you, such as:

- You may at any time request us to confirm whether we hold information about you.
- You may also request a copy of the record containing any personal data about you held by us, and details of any third parties who have or have had access to your information. We will respond within a reasonable time. In certain circumstances, we may or must refuse your request, in accordance with the provisions of PAIA. A request for to be provided with a copy of the record, or a description about the personal information held by us, may be subject to a fee prescribed by the applicable data protection law in order to meet our costs in providing you with the information concerned. If a fee is payable, you may request an estimate of the fee before requesting a copy of your personal information. We may require you to pay a deposit for all or part of the fee.
- In certain circumstances, you have the right to request us to correct or delete personal information we keep about you which is inaccurate, irrelevant, excessive, out of date,

incomplete, misleading or obtained unlawfully. Please note that we can only amend data that is under our control.

- You also have a right to request us to destroy or delete a record of personal information about you that we are no longer authorised to retain. Please note that we are not obliged to accede to your request to correct or delete information. In circumstances where we do not accede to your request we will take reasonable steps to attach a copy of your request to the information concerned.
- You have the right to be notified that information about you is being collected and, in the event of unauthorised access, to be notified of such unauthorised access.
- In certain circumstances, you have the right to object to the processing of your personal information. This would be the case where we process your information on the basis that it protects your legitimate interests, or where the processing is necessary for our legitimate interests or those of a third party to whom the information is supplied.

In order to fulfil your requests under this section, we may require some details such as:

- your name, email address and postal address
- a telephone number where you can be reached.
- a photocopy of your passport or driving licence (for proof of identity);
- your signature and the date of the request;
- signed authority from the individual whose data is required if you are applying on their behalf.

## **9.2 Your right to lodge a complaint with the Information Regulator**

In terms of the POPI Act (POPIA) section 18. (h) (iv) you have the right to object to the processing of personal information as referred to in section 11(3) of the POPIA.

If you are not satisfied with our response to any complaints you raise with us or you believe our processing of your information does not comply with the data protection law, we suggest you contact us.

In terms of the POPI Act (POPIA) section 18. (h) (v) you have the right to lodge a complaint to the Information Regulator (South Africa) (IRSA). The IRSA contact details are:

<https://www.justice.gov.za/infoereg/contact.html>

JD House, 27 Siemens Street Braamfontein, Johannesburg, 2001.

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

## **10. CHANGES WE MAKE TO THIS POLICY**

Any changes we may make to our Privacy Policy in the future will be posted on our website and, where appropriate, notified to you by email. Please check frequently to see any updates or changes to our Privacy Policy.

Questions, comments and requests regarding this Privacy Policy should be addressed to:

**The Principal**

**Tshwane Muslim School**

**Email: [headmaster@tshwanemuslimschool.co.za](mailto:headmaster@tshwanemuslimschool.co.za)**

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**APPROVED BY:** MOHAMED DOCKRAT / MOHAMED BADSHA

**BOARD OF GOVERNORS:** 

**DATE:** 24/08/2021

**PRINCIPAL:** Badsha

**DATE:** 24/08/2021

**REVIEW DATE: January 2023**