

## **CURRO HOLDINGS LIMITED**

<b>DOCUMENT NAME</b>	<b>LEARNER PERSONAL INFORMATION POLICY</b>
<b>DOCUMENT NUMBER</b>	<b>CURH12PO</b>
<b>POLICY AREA</b>	<b>SCHOOLS: OPERATIONAL</b>

## **LEARNER PERSONAL INFORMATION POLICY**

### **1. POLICY STATEMENT**

- 1.1. Curro Holdings Ltd (Curro) is responsible for the processing and storage of personal information of learners. It is the policy of Curro to keep a profile on each of the learners attending a school managed by it. Learner profiles must contain certain information about a learner and by implication, this will include personal information.
- 1.2. The purpose of this policy is to promote the protection of personal information and ensure that learners' right to privacy are protected, subject to justifiable limitations.
- 1.3. This policy prescribes that learner profiles and information are kept in line with the Protection of Personal Information Act, No. 4 of 2013 (the 'Act') and all other applicable South African legislation.
- 1.4. This policy only covers the personal information of learners and is a focused version of the policy Processing of Personal Information (CURA06PO).
- 1.5. This policy should be read in conjunction with the Learner Profile Policy (CURH11PO).

### **2. SCOPE**

This policy applies to all Curro staff members and Curro employees, all learners enrolled at any school managed by Curro, all parents of learners enrolled at any school managed by Curro and all third parties acting as operators who process personal information of learners.

### **3. DEFINITIONS**

The following definitions are relevant to this policy and are as included in the Protection of Personal Information Act 4 of 2013:

- 3.1 'Act' means the Protection of Personal Information Act 4 of 2013;
- 3.2 'Competent person' means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
- 3.3 'Consent' means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- 3.4 'Data subject' means the person to whom personal information relates;
- 3.5 'Electronic communication' means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient;
- 3.6 'Filing system' means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria;
- 3.7 'Information officer' means an employee of Curro who had been appointed by the CEO of Curro to ensure that personal information is processed in terms of the Act;
- 3.8 'Operator' means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;
- 3.9 'Personal information' means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
  - 3.9.1 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;
  - 3.9.2 information relating to the education or the medical, financial, criminal or employment history of the person;

- 3.9.3 any identifying image, number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 3.9.4 the biometric information of the person;
- 3.9.5 the personal opinions, views or preferences of the person;
- 3.9.6 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;
- 3.9.7 the views or opinions of another individual about the person, and
- 3.9.8 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 information about the person;
- 3.10 'Processing' means any operation or activity or any set of operations, whether by automatic means, concerning personal information, including –
  - 3.10.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 3.10.2 dissemination by means of transmission, distribution or making available in any other form, or
  - 3.10.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 3.11 'Record' means any recorded information –
  - 3.11.1 regardless of form or medium, including any of the following: (i) Writing on any material; (ii) information produced, recorded or stored by 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) 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) book, map, plan, graph or drawing; (v) 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;
  - 3.11.2 in the possession or under the control of a responsible party;
  - 3.11.3 whether or not it was created by a responsible party; and
  - 3.11.4 regardless of when it came into existence;
- 3.12 'Regulator' means the information regulator established in terms of section 39 of the Act which establishes a juristic person to be known as the information regulator, which –
  - 3.12.1 has jurisdiction throughout the Republic;
  - 3.12.2 is independent and is subject only to the Constitution and to the law and must be impartial and perform its functions and exercise its powers without fear, favour or prejudice;
  - 3.12.3 must exercise its powers and perform its functions in accordance with this Act and the Promotion of Access to Information Act; and
  - 3.12.4 is accountable to the national assembly.

## **4. DEPUTY INFORMATION OFFICER**

- 4.1. The executive head (and in the absence of an executive head, the most senior employee at the school) is automatically appointed as deputy information officer, to work with the information officer appointed for Curro CURA06PO).
- 4.2. The information officer appointed for Curro may, from time to time, delegate responsibilities to the deputy information officer, subject to it being in writing and which will be in addition to the responsibilities set out in this policy.
- 4.3. The deputy information officers shall be responsible for ensuring that the school is

compliant with the Act and shall:

- 4.3.1 Promote the proper processing of all learner personal information;
- 4.3.2 Ensure that appropriate systems are put in place to ensure that personal information is protected;
- 4.3.3 Ensure that appropriate computer software is installed on school computers to ensure that personal information cannot be obtained by unauthorised parties;
- 4.3.4 Co-operate with the government regulator in any investigations conducted at the school;
- 4.3.5 Where a third party is acting on behalf of the school, ensure that the third party complies with this policy;
- 4.3.6 Where the school is an operator, and where the deputy information officer reasonably suspects that personal information has been accessed by an unauthorised party, the deputy information officer must report the suspected breach to the information officer who will in turn report the suspected breach to the responsible party;
- 4.3.7 Maintain clear communication with the information officer regarding compliance with this policy;
- 4.3.8 Notify the information officer, immediately, in writing and telephonically, if reasonably suspecting that personal information has been accessed by an unauthorised party. The information officer shall determine whether to report the suspected breach to the board of directors of Curro ('the board'). The information officer shall consider the best course of action to follow depending on the severity of the breach.

## **5. LAWFUL PROCESSING OF PERSONAL INFORMATION**

The schools shall process personal information in compliance with the Act to ensure that learner rights to privacy are not infringed, which shall include:

- 5.1 only processing personal information where consent of the learner's parent/guardian has been given. Consent given by completing the consent form (CURH12S1) or the signing of the learner admission contract, shall be considered compliance with this clause;
- 5.2 limiting the processing of personal information to a clearly defined purpose for and for a functional activity/reason, refraining from collecting unrelated information;
- 5.3 collecting information directly from the data subject if possible and only collecting information from a third party if good cause can be shown;
- 5.4 alerting the data subject as to the reason why the personal information is required;
- 5.5 not storing personal information for a period that is longer than necessary. The period shall be determined by purpose/use of the information. The information may be stored for a longer period if consent is given. Consent given by completing the consent form (CURH12S1) or the signing of the learner admission contract, shall be considered compliance with this clause;
- 5.6 confirming with the information officer, that there is a proper contract with third parties who are required to process personal information on behalf of the school. This contract shall ensure compliance with this policy;
- 5.7 not processing personal information for a different purpose than for which the information was collected from the data subject. Should it be necessary to use the information for a different purpose than the original purpose, consent of the data subject must be obtained, and
- 5.8 to the best of their ability ensure that the personal information that is processed and/or stored is accurate and complete.

## **6. SECURITY AND SAFEGUARDS**

The schools shall take the following precautions to ensure that personal information is secure and safeguarded:

- 6.1 taking appropriate, reasonable technical and organisational precautions to prevent the loss or damage or unauthorised destruction to personal information;
- 6.2 taking appropriate, reasonable technical and organisational precautions to prevent unlawful access to or processing of personal information;
- 6.3 identifying all reasonably foreseeable internal and external risks to personal information in its possession or under its control and taking steps to ensure that the personal information is stored and processed securely;
- 6.4 regularly performing assessments to ensure that the safeguarding measures are updated for keeping information secure and protected against new risks that arise;
- 6.5 regularly performing assessments to ensure that safeguarding measures are effectively implemented, and
- 6.6 concluding contracts with operators or responsible parties to ensure that security measures are maintained.

## **7. UNAUTHORISED ACCESS TO PERSONAL INFORMATION**

- 7.1 The school must notify the regulator (through the Curro information officer) and data subject, if possible, if it reasonably believes that the personal information of a data subject has been accessed or acquired by any unauthorised party. The data subject must be informed via a notice in writing which is either mailed to the data subject's last known physical or postal address; sent by email to the data subject's last known email address; placed in a prominent position on the official Curro website; published in the news media; or as may be directed by the regulator.
- 7.2 The notification must provide sufficient information to allow the data subject to take protective measures against the potential consequences of the compromise. The notice must include a description of the possible consequences of the security compromise; a description of the measures that the responsible party intends to take or has taken to address the security compromise; a recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and if known to the responsible party, the identity of the unauthorised person who may have accessed or acquired the personal information.
- 7.3 Notification must take place as soon as reasonably possible after the parties have become aware of the compromise. The school must consider the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system when deciding on the length of time in which to report the compromise to the regulator and the data subject. Should the school become aware of the fact that disclosing the compromise to the data subject will impede a criminal investigation it may delay disclosing the compromise to the data subject.

## **8. CONSENT TO PROCESSING AND STORING PERSONAL INFORMATION**

- 8.1. Curro, and/or any school managed by Curro shall allow a data subject, who adequately identifies him/herself to the information officer or deputy information officer, to access his/her personal information. The data subject may request that corrections be made to his/her personal information if it has changed. The data subject may also request that the information officer delete information that was unlawfully obtained, is excessive, out of date, irrelevant, misleading or incomplete.
- 8.2. The school shall not process or store personal information without the consent of the data

subject. If the data subject is a learner, who is under the age of 18 (eighteen) years the learner's parent/guardian must consent.

- 8.3. The school may process information without the data subject and/or parents'/guardians' consent if it is necessary for the conclusion or performance of a contract to which the data subject is a party; and/or the processing complies with an obligation contained in South African legislation; and/or it protects the legitimate interest of the data subject and/or it is necessary for the proper performance of a public law duty that has been imposed on the school; and/or it is necessary for pursuing the legitimate interests of the school or a third party to whom the information is supplied. The Information Officer shall determine what shall constitute a legitimate interest and if necessary, shall seek legal advice.

## **9. PROCESSING OF SPECIAL PERSONAL INFORMATION**

- 9.1. Any information regarding a data subject's religious or philosophical beliefs, race or ethnic origin, political persuasion, trade union membership, health or sex life or biometric information, alleged criminal offences, legal proceedings relating to offences allegedly committed by the data subject or details of an internal disciplinary hearing of the data subject shall be considered special personal information.
- 9.2. Special personal information may only be stored with the consent of the data subject; or if the processing is for statistical reasons that would serve the public interest and is necessary for the purpose concerned and steps are taken to ensure that the data subject is not adversely affected to a disproportionate extent; or if the data subject deliberately made the information public.
- 9.3. The relevant information officer shall take special precautions when processing such special personal information and ensure that extra measures are taken to safeguard and secure the information which shall include storing any printed documentation in a secure place and ensuring that data communication is securely stored with passwords and other technical safety measures.

## **10. PROCESSING AND STORING OF 'LEARNER PROFILE' CONTENT**

- 10.1. Curro have a policy of maintaining learner profiles for each learner enrolled at any Curro school (see Learner Profile Policy (CURH11PO)).
- 10.2. The school must keep these profiles in accordance with this policy.
- 10.3. The deputy information officer must ensure that new profiles are made for new learners that enrol at the school. If the learner has transferred from a previous school then the learner's cum card must be requested from the previous school, with the written permission from the parent/guardian of the learner.
- 10.4. The deputy information officer shall ensure that all documentation and electronic information is stored safely in a locked filing cabinet or safe that only a limited member of Curro staff shall have access to. Special attention must be given to:
- 10.4.1. the completion of scholastic section of cum cards;
  - 10.4.2. the storage of a copy of identity documents and in the case of foreign learners –
  - 10.4.3. passport, work and study permits as well as unabridged birth certificates (if applicable);
  - 10.4.4. the storage of relevant medical conditions and or medication used;
  - 10.4.5. the filing of most recent reports under assessment section;
  - 10.4.6. the completion of communication sheets on a regular basis;
  - 10.4.7. the copy and storage of indemnity forms (both general and specific);
  - 10.4.8. the recording of teacher and didactic information on the back page of each learner profile;
  - 10.4.9. an annual checklist must be completed at the beginning and end of each year to ensure that all data is updated.

## 11. **AMENDMENTS**

- 11.1 This policy is subject for review within one calendar year of the date of last review, update or amendment.
- 11.2 This policy may be subject to review, update or amendment within the set calendar year, if the same required by or in terms of change in legislation, change in external policy guidelines and/or relevant court rulings.
- 11.3 This policy may only be amended by the head of department overseeing the category under which auspices this policy finds application.

**Date of incorporation**

2016/03/31

**REVISION SCHEDULE**

Date	Reviewed by	Date approved	Approved by	Date of next review
2016/03/31	Attorneys	2016/03/31	CEO	2017/10/03
2017/10/03	Attorneys	2017/10/03	CEO	2020/08/30
2020/08/13	Curro Legal	2020/09/30	CEO	2021/09/30