

Kyalami Schools NPC PAIA 2021

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 FOR KYALAMI SCHOOLS NPC

Company Registration Number: 1995/009710/08

DoJ Registration Reference: 50444/2021-2022/IRR TT (see email at end)

1. Introduction

Kyalami Schools (NPC) was established in October 2011 to incorporate three campuses:

- Beaulieu Preparatory School,
- Kyalami Preparatory School, and
- Beaulieu College.

This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information it holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA Act”). In addition, it explains how to **access**, or **object to**, personal information held by the Company, or **request correction** of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPI Act”).

The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 4.

2. Company Contact Details

Section 51(1)(a)

Business Name: Kyalami Schools NPC.

Physical Address: Unit 1, Beaulieu Office Park, Cnr Papenfus & Stallion Roads, Beaulieu Estate

Postal Address: PO Box 31065, Kyalami. 1684

Directors: Mr A. Delport (Interim Chairman), Mr A. Sheard, Mr A. Meerburg, Mr G. Esterhuizen (CEO Ex-Officio)

Designated Information Officers:

Mr Gavin Esterhuizen | CEO Kyalami Schools (NPC)

Mrs Noële Hillen | Head, Beaulieu Preparatory School

Mr David Hala | Head, Kyalami Preparatory School

Mrs Danielle Meikle | Head, Beaulieu College

Deputy Information Officers:

(to be populated)

Telephone Number: +27 010 591 5004

E-mail address: info@kyalamischools.org

3. Processing of Personal Information:

Kyalami Schools takes the privacy and protection of personal information very seriously and will only process personal information in accordance with current South African privacy legislation. Accordingly, the relevant personal information privacy principles relating to the processing thereof will be applied to any personal information processed by Kyalami Schools (NPC).

3.1 The purpose of processing of personal information by KS (NPC)

We process personal information for a variety of purposes, including but not limited to the following:

- To provide or manage any information and/or services requested by data subjects;
- To help us identify data subjects when they contact KS (NPC);
- To maintain parent, student, alumni and benefactors' records;
- To maintain student records;
- For recruitment purposes;
- For employment purposes;
- For internship purposes;
- For travel purposes;
- For general administration, financial or tax purposes;
- For legal or contractual purposes;
- For health and safety purposes;
- To monitor access, secure and manage our premises and facilities;
- To transact with our suppliers and business partners;
- To help us improve the quality of our products and services;
- For submission of academic/examination/benchmark applications;
- For compliance and registration purposes;
- To help us detect and prevent fraud and money laundering;
- To help us recover debts;
- To carry out analysis and customer profiling; and
- To identify other products and services which might be of interest to data subjects and to inform them about our products and services.

3.2 Categories of data subjects and personal information possessed by KS (NPC)

Categories of Data Subjects	Personal Information Possessed
Parents and Potential Parents	Parent personal information
	Parent contracts
	Parent Application forms
Strategic Partners	Westech SLA
	BitCo SLA
	CloudEdu
	Independent Examinations Board (IEB)
Suppliers	Scadco
	Reef Business Systems

Employees	Employee personal information
	Employee medical information
	Employee contracts
	Employee LTSP and Risk
	Employee performance records
	Payroll records
	Employment history
	Time, Leave and attendance records
Job Applicants	CVs and Application Letters
	Criminal checks
	Background/Reference checks
	HR Process records
Children/Pupils	Pupils' personal information
	Pupils' medical information
	Pupils' academic records
	Pupils' general records
Visitors	Physical access records
	Electronic records and scans
	Surveillance records
PropCos	Contracts
	Financial records

3.3 Recipients or categories of recipients with whom personal information is shared

We may share the personal information of our data subjects for any of the purposes outlined in Section 3.1, with the following entities:

- Our constituent schools and brands;
- Our authorised KS (NPC) strategic partners;
- Our carefully selected business partners who provide products and services under one of our brands; and
- Our service providers and staff who perform services on our behalf.

We do not share the personal information of our data subjects with any third parties, except if:

- We are obliged to provide information of academic/assessment registration;
- We are obliged to provide such information for legal or regulatory purposes;
- We are required to do so for purposes of existing or future legal proceedings,
- We are involved in the prevention of fraud, loss, bribery or corruption;
- They perform services and process personal information on our behalf;
- This is required to provide or manage any information, products and/or services to data subjects; or
- Needed to help us improve the quality of our educational services.

We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them.

We will only disclose personal information to government authorities if we are required to do so by law.

Our employees, our agencies and our suppliers, are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

3.4 Information security measures to protect personal information

Reasonable technical and organisational measures have been implemented for the protection of personal information processed by KS (NPC) and its schools and brands. In terms of the PoPI Act, operators are third parties that process personal information on behalf of KS (NPC).

We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.

We will take steps to ensure that operators that process personal information on behalf of KS (NPC) apply adequate safeguards as outlined above.

3.5 Trans-border flows of personal information

We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.

We will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the PoPI Act.

We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 3.4.

3.6 Personal information received from third parties

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual, and do not have any objection to our processing their information in accordance with this policy.

4. Prescribed Request Forms and Fees

4.1 Reference for this PAIA Manual - Section 51(1)(b)

To gain access to the Human Rights Commission's guide to the Act, browse using an Internet browser to <http://www.sahrc.org.za>, e-mail: PAIA@sahrc.org.za. Alternatively, call the Human Rights Advice Line on: 086-012-0120

4.2 Company Notices - Section 51(1) (c)

At this stage no Notice(s) has/have been published

4.3 Relevant Legal, Regulatory and Compliance References - Section 51(1) (d)

Records are kept in accordance with such other legislation as is applicable to Kyalami Schools (NPC) and its entities, which includes but is not limited to, the following legislation:

- The South African Schools Act of 1996
- The Companies Act No. 61 of 1973
- Basic Conditions of Employment Act No.75 of 1997
- Compensation of Occupational Injuries & Diseases Act No. 130 of 1993
- Consumer Protection Act Copyright Act no. 98 of 1978
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Intellectual Property Laws Amendment Act no 38 of 1997
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Promotion of Access to Information Act No. 2 of 2000
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 30 of 1966
- Unemployment Contributions Act No. 4 of 2002
- Regional Services Council Act No. 109 of 1985

4.4 Company Records and availability - Section 51(1)(e)

- Employment contracts: Availability to be determined upon receipt of request
- Domain Name Registration: Availability to be determined upon receipt of request
- Schools Registration: Availability to be determined upon receipt of request
- Agreements with Suppliers: Availability to be determined upon receipt of request
- Database of Pupils & Parents: Availability to be determined upon receipt of request
- Website Information: Freely available at <http://kyalamischools.org>
- Annual Financial Statements: Availability to be determined upon receipt of request
- Memorandum and Articles of Association: Availability to be determined upon receipt of request
- Parent Teachers' Forum Constitution: Availability to be determined upon receipt of request
- School Policy Documents: Availability to be determined upon receipt of request
- School Fees: Availability to be determined upon receipt of request
- Licences: Availability to be determined upon receipt of request
- Availability of all of the following to be determined upon receipt of request:
 - Minutes of Board of Governors and Schools Council and Management meetings.
 - Minutes of PTF
 - Minutes of Think Tank Committee Meetings
 - Minutes of Strategic Planning Committee Meetings
 - Minutes of Executive Committee Meetings
 - Minutes of Head of Department Meetings

- Minutes of Colours Committee Meetings
- Minutes of Building and Grounds Meetings
- Records of Anti-Racism Task Team (ARTT) Meetings
- Occupational Health and Safety documented findings
- Pupil and Staff records
- Schools Reports
- Minutes of all Board of Directors, Management, and sub-committee meetings
- Details of Members of Board of Directors

4.5 Forms for Application for Information - Section 51(1)(f)

The forms prescribed under the Act are available at the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the “regulations” section.

Any application must be in writing and must include at least the following:

1. Sufficient particulars to enable the CEO/Head of Division to identify the record or records requested as well as the requester.
2. Indication of which form of access is required.
3. A specific postal address or fax number of the requester in the Republic of South Africa.
4. An explanation by the requester of why the requested record is required and for the exercise or protection of that right.
5. In addition to a written reply, if the requester wishes to be informed of the decision on the request in any other manner, the state of the manner and the necessary particulars are to be advised.
6. Proof of the capacity in which the requester is making the request must be submitted, if in the case of the request being made on behalf of a person, and this is to be to the reasonable satisfaction of the CEO/Head of Division.

4.6 Fees in Respect of Requests for Information Fees in Respect of Private Bodies

The following applies to requests (other than personal requests):

- A. A requestor is required to pay the prescribed fee (R50.00) before a request will be processed.
- B. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be required if the request were granted.)
- C. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- D. Records may be withheld until the fees have been paid.
- E. The detailed Fee Structure is available on the website of the Company, at the following address: www.kyalamischools.org

For example, this could be a fee structure on the website.....

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4 size or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. For every photocopy of an A4-sized page or part thereof R1,10
 - b. For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form - R1.10
 - c. For a copy in a computer-readable form on flash disk - R50,00
 - d. For a copy of visual images, for an A4-sized page or part thereof R10.00.
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.
4. Access Fees
 - a. The access fees payable by a requester referred to in regulation 11(3) are as follows:

- i. For every photocopy of an A4-sized page or part thereof R1.10
- ii. For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine- readable form R1,10
- iii. For a copy in a computer-readable form on:
 1. d) For a copy of visual images, for an A4-sized page or part thereof R10.00
 2. To search for and prepare the record for disclosure, for each hour or part of an hour R30.00.
- b. For purposes of section 54(2) of the Act, the following applies:
 - i. Six hours as the hours to be exceeded before a deposit is payable; and
 - ii. One third of the access fee is payable as a deposit by the requester.
- c. The actual postage is payable when a copy of a record must be posted/couriered to a requester

4.7 Communications

Correspondence between persons within and without Kyalami Schools (NPC). The availability of the following is to be determined upon receipt of the request:

- CEO Letters/Communiques
- Head's Newsletters/Blogs
- Notices to Parents
- Prospectus
- Other ad hoc communications

4.8 Website

Kyalami Schools' main website address is www.kyalamischools.org and is accessible to anyone who has access to the internet. The website contains various categories of information relating to the company and the divisions within the company.

5. Remedies

Kyalami Schools (NPC) does not have internal appeals procedures regarding PAIA or POPI Act requests. As such, the decision made by the duly authorised persons in Section 2 is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established) for relief.

Email confirming registration:

From: **Phaka Babs Dipuo** <BPhaka@justice.gov.za>
Date: Wed, 14 Jul 2021 at 12:53
Subject: RE: Registration of the Information Officer
To: Tom Hamilton <tomhamilton@kyalamischools.org>

Dear Sir/Madam

The Information Regulator acknowledges receipt of your application for the registration of the Information Officer, which is dated 1st June 2021.

The content of which we have noted and will be processed in due course.

We would like to apologise for any delays caused.

Thank you for being a responsible party and ensuring compliance with the Protection of Personal Information Act (POPIA) 2013.

Herein is the reference number for your application: 50444/2021-2022/IRRTT.

Further communication will follow.

Warm regards

Dipuo Phaka
Receptionist/ Switchboard operator
Address: JD House
27 Stiemens street, Braamfontein
Johannesburg
2000
Email: BPhaka@justice.gov.za