	DOC REF	PAIA and POPIA Manual Draft
	REV DATE	29 August 2022
	PAGE	1 of 12
SECTION	GOVERNANCE	
SUB-SEC	MANUALS	
SUBJECT	PAIA AND POPIA MANUAL	

WYNBERG CAMPUS OF SCHOOLS

Wynberg Boys' High School

PAIA AND POPIA MANUAL

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT
NO. 2 OF 2000 (PAIA)
AND TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 ("POPIA")**

Document Control

DATE	REVISION REASON	AUTHOR
22 August 2022	Review for Information Officer	JM/TK

Policy Approval

SIGNATURE	TITLE	DATE SIGNED
	PRINCIPAL	

Contents

Document Control.....	1
1. OVERVIEW OF THE SCHOOL	3
2. CONTACT DETAILS	3
3. THE ACT AND SECTION 10 GUIDE	4
4. APPLICABLE LEGISLATION.....	4
6. FORM OF REQUEST.....	6
7. REQUEST FEES.....	6
8. ANY OTHER INFORMATION CONCERNING THE PROMOTION OF ACCESS TO INFORMATION ACT	7
9. PROCESSING OF PERSONAL INFORMATION.....	7
10. RIGHTS OF DATA SUBJECTS	9
11. GROUNDS FOR REFUSAL OF A REQUEST FOR ACCESS TO INFORMATION.....	9
12. REMEDIES AVAILABLE IF A REQUEST FOR INFORMATION IS REFUSED.....	9
14. APPROVAL AND ADOPTION.....	Error! Bookmark not defined.
ANNEXURE A PRESCRIBED FORM FOR ACCESS TO RECORDS	11
ANNEXURE B PRESCRIBED FEES	Error! Bookmark not defined.

1. OVERVIEW OF THE SCHOOL

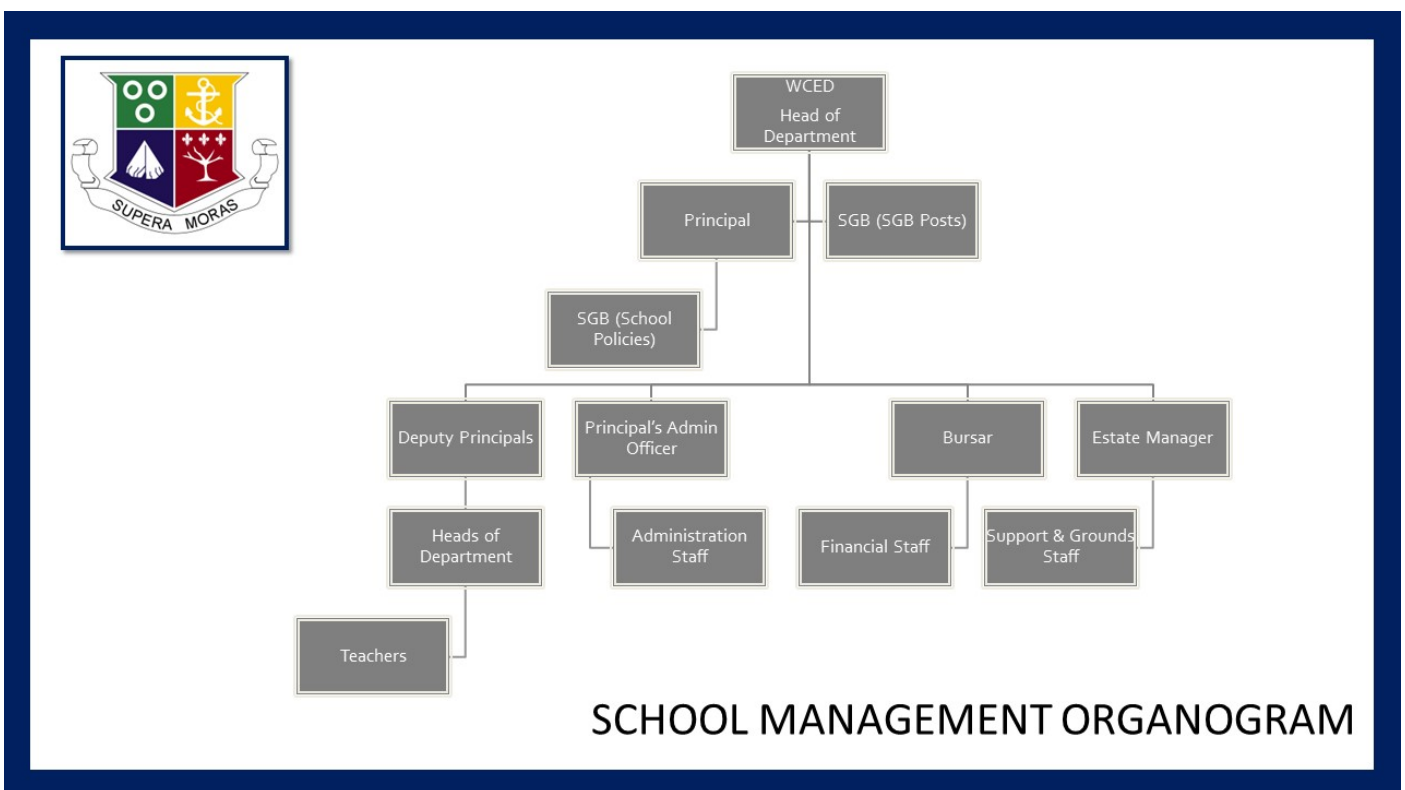
1. Legal status

Wynberg Boys' High School is a public school located in the Western Cape being part of the Wynberg Campus of Schools consisting of Wynberg Boys' High, Wynberg Boys' Junior, Wynberg Girls' High and Wynberg Girls' Junior. In terms of the South African Schools Act the school is a juristic person whose functions are described in the Act. The professional management of the school is performed by the principal under the authority of the Head of Department of the Western Cape provincial department of education.

2. Core functions of the school

At Wynberg Boys' High School we understand that the experience boys receive at school will determine the people they are capable of becoming. We believe that a thorough and well-rounded education is paramount in providing all learners with the foundations they will build upon for the remainder of their lives. This is why we place importance on all four pillars of Wynberg excellence, academic, sport, service and culture. Life at Wynberg Boys' High School is rich, varied, exciting, and enormously rewarding.

3. Structure/organisation of the school and SGB:



4. The language of learning and teaching of the school is English.

2. CONTACT DETAILS (Section 51 (1) (a))

Name of school: Wynberg Boys' High School

Physical address: Lovers Walk, Wynberg, Cape Town, 7800

Postal address: Lovers Walk, Wynberg, Cape Town, 7800

Telephone numbers: 27 21 797 4247

Website address: <https://wbhs.org.za/>

Information and Deputy Information Officers contact details are available in the POPIA Policy documents and on request.

3. THE ACT AND SECTION 10 GUIDE

In terms of section 14(1)(c) of the Protection of Personal Information Act 4 of 2013 (PAIA), please note that the South African Human Rights Commission has compiled a guide as required by section 10 of PAIA, and to which this manual must refer. The guide is available on the website of the Human Rights Commission at <http://www.sahrc.org.za/home/index.php?ipkContentID=116> .

A hard copy of the guide is also available at the school, and an electronic version on the website of the school, at <https://wbjs.org.za/>

A printed copy may also be directly obtained from:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal address: Private Bag 2700
Houghton
2041
Telephone: +27 11 484 8300
Fax: +27 11 484 1360
Website: www.sahrc.org.za

Email: PAIA@sahrc.org.za

4. APPLICABLE LEGISLATION

Records are kept in accordance with such other legislation as is applicable to public schools which includes but is not limited to, the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Compensation of Occupational Injuries & Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Constitution of the Republic of South Africa 108 of 1996
- Copyright Act no. 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Intellectual Property Laws Amendment Act 38 of 1997
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Compensation of Occupational Injuries & Diseases Act 130 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Levies Act 9 of 1999
- South African Schools Act of 1996
- Unemployment Insurance Act 30 of 1966
- Unemployment Contributions Act 4 of 2002
- Western Province School Act

5. SCHEDULE OF RECORDS

Most records are not automatically available. Those that are, are generally placed on the school website.

	Operational area	Subject	Availability
a)	Governance	Constitution of the SGB Minutes of meetings Minutes of SBG committees Details of members of the school governing body	On the website Available on request Available on request Available on request
b)	Finance	Annual audited financial statements Monthly management accounts Invoices Credit notes Receipts Payment schedules PAYE, SDL, UIF reports Insurance policies and claims Petty cash book School fees Applications for exemption from payment of school fees Software licences Assets register	Available on request Available on request Available on request Available on request Available on request Available on request Available on request Available on request Available on request Available on request Available on request Available on request Available on request
c)	School policies	All policies	Available on request
d)	Learners' academic and extra-curricular activities records, disciplinary record	Quarterly progress report Annual promotion schedules Copies of NSC certificates/statement of results Academic awards Sports awards Culture awards Other awards Learners' personal files (profiles)	Available on request but learners who require their own records may make verbal applications. As above As above As above As above As above As above As above
e)	Personnel records	Contracts of employment Personal files Discipline register Staff meeting minutes Attendance register Workman's Compensation claims Appraisals Applications and interview materials	Employees who require their own records may make verbal requests. Available on request Available on request Available on request Available on request Available for only six months after the appointment process
f)	School suppliers/service providers	Tender documents Contracts Invoices	Available on request Available on request Available on request
g)	Statutory compliance	PAIA/POPIA Manual Skills Development Plan Employment equity plan	Hard copy in reception office, soft copy on website Available on request Available on request

	Operational area	Subject	Availability
h)	Data base of parents and learners	Application forms and updates Admission register	Available on request Available on request
i)	Safety	Safety committee members' details Incident register Accident register Safety committee quarterly meeting minutes Safety reports	Available on request Available on request Available on request Available on request Available on request
k)	Professional management	Circulars and instructions from the Western Cape department of education Official school logbook Copies of all examination question papers and accompanying memoranda School timetable Class registers	Available on request Available on request Available on request Available on request Available on request
l)	News	Newsletters Special letters to parents D6 electronic communicator School magazine School newspaper (learners' activity)	Available on request Available on request Available on request Available on request Available on request
m)	Historical records	Logbooks Buildings and grounds plans and developments	Available on request Available on request

6. FORM OF REQUEST

- a) The requester of information must comply with all the procedural requirements contained in the Act relating to the request for access to a record. In this regard:
 - i. The requester must use the prescribed form to make the request for access to a record. For ease of reference this prescribed form is attached (Annexure A) to this manual.
 - ii. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should further also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
 - iii. The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
 - iv. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- b) Wynberg Boys' High School will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time period cannot be complied with.
- c) The requester shall be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- d) Requests for information which are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources will be refused.

7. REQUEST FEES

- a) A requester who seeks access to a record containing personal information about him/herself (the requester) is not required to pay a request fee.
- b) Every other requester, who is not a personal requester, must pay the prescribed request fee:

- i. The Information Officer will must notify the requester (other than a personal requester) to pay the prescribed fee (if any) before further processing the request.
 - ii. The fee that the requester is required to pay is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
 - iii. After the Information Officer has made a decision on the request, the requester must be notified in the prescribed form.
 - iv. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for the time spent that has exceeded the prescribed hours to search and prepare the record for disclosure.
 - v. Records may be withheld until the access fee has been paid.
- c) The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

8. ANY OTHER INFORMATION CONCERNING THE PROMOTION OF ACCESS TO INFORMATION ACT

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

9. PROCESSING OF PERSONAL INFORMATION

9.1 Purpose of processing

Wynberg Boys' High School uses the personal information under its care in the following ways:

- a) To process learner enrolments,
- b) to provide learners with appropriate education and support,
- c) to monitor learners' academic progress,
- d) to care for the health and well-being of staff and learners,
- e) to care for our staff and learners,
- f) for administration of enrolment, class placements, granting awards and bursaries,
- g) for administration of matters concerning parents, including fees, exemption applications, insurance claims, school SGB elections voters' roll, communication,
- h) for administration of matters concerning staff,
- i) to process appeals, resolve disputes, and defend litigation etc.,
- j) for the conducting of disciplinary processes of learners and staff,
- k) to comply with our legal obligations as a public school in terms of the South African Schools Act of 1996 and any provincial education law,
- l) to comply with our monitoring and reporting obligations to National and Provincial Government departments in terms of the South African Schools Act of 1996, and
- m) to comply with any law or order of court.

a.2 Categories of data subjects and their personal information

- a) Wynberg Boys' High School possesses records relating to learners, parents, staff, suppliers, school governing body members, visitors, contractors and vendors.
- b) Data has been collected from the data subject directly or in the case of children from the responsible adult.

Data subject category	Personal information processed
Children/learners	Names; date of birth; ID/passport number/permit number; contact details: telephone numbers (if available), physical and postal address, email address; nationality; gender; academic record; extra-curricular activities record; awards record; well-being; disciplinary action record; confidential correspondence; confidential counselling record; contact details of emergency contact person; head and shoulders photograph;
Parents/guardians/caregivers of learners/SGB members	Names; date of birth; ID/passport number/permit number; marital status; contact details: telephone numbers, physical and postal address, email address; nationality; financial records; confidential correspondence;

Employees	Names; date of birth; age; ID/passport number/permit number; contact details: telephone numbers (if available), physical and postal address, email address; nationality; gender; marital status, ethnicity; home language; education information -copy of qualifications, curriculum vitae; employment application form; employment contract; financial information: tax number, remuneration details, medical aid number and subsidy, retirement fund number and contribution, other authorised deductions, garnishee orders, disciplinary action record; vetting records, copy of professional council registration certificate (if applicable); confidential correspondence; contact details of emergency contact person; well-being;
Suppliers/contractors (natural persons)	Names; date of birth; ID/passport number/permit number; nationality; tax-related information, contact details: telephone numbers, physical and postal address, email address; names of authorised signatories; nationality; contract to supply/perform a service; confidential correspondence;
Suppliers/contractors/entities (juristic persons)	Legal name of the entity; Registration number; tax-related information; Names of the contact person/s; contact details: telephone numbers, physical and postal address, email address; contract to supply/perform a service; confidential correspondence;

9.3 Categories of recipients for processing the personal information

- a) Wynberg Boys' High School processes information by providing access to the information required by law and in terms of instructions from the national or provincial education departments.
- b) Employees delegated with the task of processing information have access to personal information.
- c) The school may supply personal information of adults to service providers in order to carry out essential functions such as compiling an electronic voters' roll and setting voting procedures, for fee collection, and for staff disciplinary processes.
- d) The school may supply information to third parties to exercise the rights of a parent, staff member or learner such as for the purposes of an insurance claim.
- e) Personal information and any special personal information or children's information may be provided to third parties for other purposes, including research where the persons have not been de-identified, with the specific consent of the data subject/s concerned.

9.4 General description of information security measures

- a) Wynberg Boys' High School continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information which may be in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements specified in law and generally accepted information security practices and procedures.
- b) Wynberg Boys' High School employs up to date technology to ensure the confidentiality, integrity and availability of the personal information under its care. Measures include:
 - i. physical security – alarms and storage in safes
 - ii. secure set up of hardware and software making up the IT infrastructure, including firewalls,
 - iii. virus protection software and update protocols,
 - iv. secure access control,
 - v. non-disclosure agreements for all persons with access to personal information including staff and SGB members,
 - vi. third party suppliers/service providers given access to personal information for the exercise of their service to the school are contracted to implement security controls,
 - vii. monitoring access and usage, and
 - viii. Investigating and reacting to security incidents.

9.5 Transfer of personal information to another country or international organisation

Wynberg Boys' High School does not transfer information to another country or international organisation except on the specific instruction of the data subject or the responsible adult on behalf of the data subject.

9.6 How long is personal information held by Wynberg Boys' High School?

- a) Personal information is kept for as long as it is needed to comply with the administration needs of the schools, requirements of the provincial and national departments of education and any applicable law.
- b) Certain personal information of learners such as learner annual promotion schedules is retained for as long as it is in the interests of the data subjects to retain it.
- c) Employee personal files, excluding disciplinary records and associated matters, are destroyed after three years unless the employee requests that the school retain their information.
- d) Disciplinary records are retained indefinitely.

9.7 Automated Decision Making

Wynberg Boys' High School does not use Automated Decision Making in connection with your personal data.

10. RIGHTS OF DATA SUBJECTS

You have the following legal rights that can be exercised at any time:

- a) Right to complain to the Office of the Information Regulator.
Contact details: JD House, 27 Stiemens Street, Braamfontein, Johannesburg 2001;
Email: complaints.IR@justice.gov.za
- b) Right of access to your personal information.
- c) Right to rectification of any personal information that is not accurate.
- d) Right to object to processing of your personal information.

11. GROUNDS FOR REFUSAL OF A REQUEST FOR ACCESS TO INFORMATION

The Information Officer or Deputy may refuse a request for information for the following reasons:

- a) where the disclosure would amount to an unreasonable disclosure of personal information,
- b) where the disclosure would amount to disclosure of the trade secrets of a third party,
- c) where such information was supplied in confidence by a third party,
- d) where the disclosure would breach the duty of confidence owed to a third party,
- e) where the disclosure would endanger the life or physical safety of an individual,
- f) if the disclosure is prohibited under the Criminal Procedure Act,
- g) if the disclosure is privileged under legal proceedings or research conducted by or on behalf of a third party,
- h) where the disclosure would compromise the investigation where proceedings are pending; and
- i) where the request is frivolous or vexatious.

12. REMEDIES AVAILABLE IF A REQUEST FOR INFORMATION IS REFUSED

12.1 Internal remedies

A requester for information who is not satisfied with the decision of the Information Officer or Deputy pertaining may appeal, within 30 days of notice of the decision, to the Chairperson of the School Governing Body who may review the decision in consultation with the Principal and the Information Officer. Thereafter the decision of the SGB Chairperson is final.

12.2 External remedies

A requester who is dissatisfied with the refusal to disclose information by the SGB Chairperson/Information Officer/Deputy Information Officer, may within **180** days of notification of the decision, apply to **the Head of Department for Education and/or MEC for Education and thereafter a court of law.**

13. AVAILABILITY

- a) This PAIA and POPIA Manual is available in hard copy in the Reception and Finance Offices.
- b) The Manual is published on the school website.
- c) The Manual can be accessed from the Human Rights Commission.

REQUEST FOR INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT

REQUEST FOR ACCESS TO INFORMATION FROM WYNBERG BOYS' HIGH SCHOOL

(Section 18 (1) of the Promotion of Access to Information Act, 2000) (regulation 6)

FOR OFFICE USE ONLY		
Reference number: _____	Request received by: _____	on (date) _____
Request fee (if any): _____	Deposit (if any): _____	Access Fee _____
Signature of information officer: _____		

1. Particulars of the person to whom this request must be sent:

_____ (

(Give the details of the Information Officer at any of the addresses in the PAIA manual.)

2. Particulars of person requesting access to information

Full names and surname: _____

Identity number: _____

E-mail address: _____

Telephone numbers: _____ and _____

Postal address: _____

Request on behalf of another person:

If the request is made on behalf of another person, please indicate the capacity in which you are making this request:

AND

Please complete the following details:

Full names and surname: _____

Identity number: _____

E-mail address: _____

Telephone number: _____ and _____

Postal address: _____

3 Particulars of request (basic reference information)

Please provide full particulars of the information to which access is requested, including a reference number, date or some other identifying aspect, so as to enable the record to be located. (If the space provided is inadequate, please attach a separate page to this form.)

4 Description of information (further description of the particular contents required if necessary)

5 Format

Please note that information can be provided only in one of the following formats: please indicate in which format you would like it forwarded to you:

Printed copy E-mailed copy

Please note further that Wynberg Boys' High School's records are at this stage all stored only in English.

6 Notice of decision

You will be notified by e-mail whether your request has been approved or not. If you wish to be informed in another manner, please specify the manner, and provide the necessary particulars to enable compliance with your request.

7 Signatures

Signature of requester: _____

Signature of person on whose behalf request was made (if applicable): _____

Date submitted: _____