

ST MARY'S SCHOOL (NPC)
(1925/008073/08)

ACCESS TO INFORMATION MANUAL

PREPARED IN TERMS OF

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

(“PAIA”)

AND

THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

(“POPIA”)

INDEX

HEADING	PARAGRAPHS	PAGE
Introduction	1 - 3	3
Availability of this manual	4 - 5	3
Information officer and contact details	6	3
PAIA	7 - 11	4
Rights of access	12 - 13	4
Grounds for refusal of access to records	14 - 15	5
Requesting access to records		5
<i>Request for access to a record</i>	16 - 19	5
<i>Fees</i>	20 - 21	5 - 6
<i>Decision on requests</i>	22 - 24	6
Appeal	25 - 28	6
POPIA		
<i>The purpose of processing</i>	29	6 - 7
<i>Categories of data subjects</i>	30	7
<i>Categories of information</i>	31	7
<i>Cross-border flows of personal information</i>	32	7
<i>Description of information security measures to be implemented</i>	33 - 34	7 - 8
Records automatically available	35 - 38	8
Records available in terms of other legislation	39	9
Other records	40 - 47	9 - 10
Annexure A - Form C: Request for access to record of private body		11
Annexure B - Fees in respect of private bodies		14

INTRODUCTION

1. St Mary's School (NPC) is a non-profit company incorporated under the Companies Act, 2008 (1925/008073/08). It is an independent, Anglican school for girls registered as such with the Gauteng Department of Education. It provides pre-primary, primary and secondary education and enrolls pupils between Grade 000 and Grade 12. It is a private body for the purposes of both PAIA and POPIA. It is referred to in what follows as "the school".
2. The aim of this manual is to assist potential requesters in requesting access to information (documents or records) from the school.
3. Words and phrases used in this manual and which are defined in either PAIA or POPIA have the meanings assigned to them in those statutes. In particular, but without limiting the generality, "personal information", "special personal information" and "processing" have the meanings assigned to them in POPIA. "Parent" has the meaning assigned to it in the South African Schools Act, 1996.

AVAILABILITY OF THIS MANUAL

4. This manual has been compiled by the school in terms of section 51 of PAIA.
5. It is available for inspection:
 - 5.1 on the school's website www.stmarysschool.co.za; or
 - 5.2 upon request at the school during normal school hours.

INFORMATION OFFICER AND CONTACT DETAILS

6. The head of school is the school's information officer responsible for the administration of, and compliance with, PAIA. Requests pursuant to the provisions of PAIA, should accordingly be directed as follows:

Designated information officer: The head of school

Physical address: 55 Athol Street,
Waverley,
Johannesburg,
2037

Postal address: PO Box 981,
Highlands North,
2037

Telephone number 011 531 1800

Email address: popia@stmary.co.za

PAIA

7. PAIA grants a requester access to the records of a private body, if the record 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.
8. Requests in terms of PAIA must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in Annexure A and B of this manual.
9. Requesters are referred to the *Guide* in terms of section 10 of PAIA which has been compiled by the South African Human Rights Commission. It describes -
 - 9.1 what the objects of PAIA are;
 - 9.2 the process that needs to be followed in order to request a record;
 - 9.3 the fees that may be payable for accessing a record
 - 9.4 how to get copies of the *Guide* at no charge
 - 9.5 how to get access to the manual of a private body;
 - 9.6 the assistance that is available from the Commission and all the remedies available in law to a requester.
10. The *Guide* is available from the SAHRC. The contact details of the Commission are:

Postal address:	Private Bag 2700, Houghton, 2041
Telephone number:	+27-11-877 3600
Fax number:	+27-11-403 0625
Website:	www.sahrc.org.za
11. No notice in terms of section 52(2) of PAIA has been published.

RIGHTS OF ACCESS

12. The school will not grant any access to any record unless:
 - 12.1 that record is required for the exercise or protection of any rights;
 - 12.2 the requester complies with the procedural requirements in PAIA and in this manual relating to a request for access to that record;
 - 12.3 access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of PAIA as described in paragraph 14 of this manual; and
 - 12.4 the processing of that record does not contravene any of the provisions of POPIA.
13. This manual must at all times be read subject to the provisions of PAIA and POPIA. Where it is silent on any question or where it is inconsistent with either of those statutes, the provisions of PAIA and POPIA will prevail.

GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

14. Requests may be refused on the following grounds as set out in Chapter 4 of Part 3 of PAIA:
 - 14.1 Mandatory protection of privacy of a third party who is a natural person;
 - 14.2 Mandatory protection of privacy of commercial information of a third party;
 - 14.3 Mandatory protection of certain confidential information of a third party;
 - 14.4 Mandatory protection of the safety of individuals, and the protection of property;
 - 14.5 Mandatory protection of records privileged from production in legal proceedings;
 - 14.6 Commercial information of the school;
 - 14.7 Mandatory protection of research information of a third party, and protection of research information of the school.
15. A request may also be refused where it requires the processing of personal information in contravention of any of the provisions of POPIA.

REQUESTING ACCESS TO RECORDS

Request for access to a record

16. Requests for access to records held by the school must be made on the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za and as Annexure A to this manual.
17. The request form should be completed by filling in all the information requested. The request should then be addressed to the school's information officer and delivered, posted or emailed to the relevant address set out in paragraph 6 of this manual.
18. The requester must provide sufficient detail on the request form to enable the information officer to identify:
 - 18.1 the identity of the requester;
 - 18.2 the record requested;
 - 18.3 the form of access required;
 - 18.4 the address, postal, fax or email, of the requester in the Republic to which a response should be sent;
 - 18.5 the right that is sought to be exercised or protected; and
 - 18.6 an explanation of the reason why the record requested is required for the exercise or protection of that right.
19. If a record is being requested on behalf of another person, the requestor must submit proof of the capacity in which he is making the request, to the satisfaction of the information officer.

Fees

20. A fee may be payable before a request for access to a record will be processed. The circumstances in which fees may be payable are set out in section 54 of PAIA and in Annexure B of this manual.

21. No fee will be charged if a requester is seeking access to a record containing personal information about himself or herself. For every other request, fees, as prescribed by the Act, will be charged for replying to a request, as well as for reproducing the record being requested. The prescribed fee and the method of payment will be notified to the requester on the receipt of a request. The information officer of the school may withhold a reply to a request, or the record requested, until the prescribed fee has been paid.

Decision on requests

22. All requests to the school will be evaluated and considered in accordance with the provisions of PAIA. Publication of this manual and describing the categories and subject matter of records held by the school does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.
23. A response to a request will be issued within 30 days after a request has been received by the information officer. The 30-day period within which the information officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the information officer. In terms of PAIA this 30-day period may be extended for a further 30-day period should more time be required to gather the requested record. If such extension is required, the information officer will notify the requester accordingly.
24. The information officer will notify the requester of the decision made at the address and in the manner specified by the requester in the request form.

Appeal

25. If the requester is not satisfied with the decision of the information officer relating to the request, the requester may submit a written appeal to the chairperson of the school's Board of Directors ("the Board"), for consideration by the Board.
26. The appeal must include the original request and all supporting documentation, as well as the reasons as to why the requester is not satisfied with the information officer's decision, and the relief sought. The appeal must be submitted within 10 days of the information officer's decision.
27. Once submitted, the appeal will be considered by the Board at its next meeting. The chairperson will then advise the requester in writing of the Board's decision relating to the appeal, as well as the reasons for the decision.
28. If a requester remains aggrieved by the refusal of the information officer to grant a request for access to a record, or has any other grounds of complaint, the requester may, in terms of section 78 of PAIA, and within 180 days of notification of the information officer's decision, apply to court for appropriate relief.

POPIA

The purpose of processing

29. The school processes personal information, *inter alia*, for the following purposes:
 - 29.1 carrying out its educational purpose and for the functions and activities involved in performing its contractual obligations to the parents of children enrolled in the school, including academic, curricular and co-curricular activities;

- 29.2 performing administrative and operational functions including those relating to the enrolment of pupils;
- 29.3 carrying out actions prior to and for the purpose of concluding a contract with the parents for the enrolment of their children in the school, including references and credit checks, and for recovering any debt that parents may owe the school;
- 29.4 refunding deposits;
- 29.5 complying with the school's regulatory and legal obligations;
- 29.6 performing recruitment and employment functions including pension, payroll, medical aid, training, disciplinary action and income tax; and
- 29.7 any operation or activity which directly or indirectly promotes, encourages and advances the learning, teaching, training, research and development of the pupils.

Categories of data subjects

- 30. The categories of data subjects include:
 - 30.1 Employees
 - 30.2 Prospective employees
 - 30.3 Prospective, current and past parents and/or guardians
 - 30.4 Prospective, current and past pupils
 - 30.5 Service providers, vendors / other business

Categories of information

- 31. A description of the subjects on which the school holds records and the categories of records held on each subject is set out in paragraphs 44 to 51 of this manual.

Cross-border flows of personal information

- 32. No transborder flows of personal information presently take place or are planned. If the need for a transborder flow of personal information arises, the school will deal with such need in accordance with the provisions of POPIA.

Description of information security measures to be implemented

- 33. The school takes reasonable, appropriate, technical, and organisational measures to protect personal information from loss, damage, unauthorised access, processing, destruction or manipulation.
- 34. The school has implemented the following security measures:
 - 34.1 The school's information officer whose details are set out in this manual is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPIA.
 - 34.2 The information officer is assisted by two deputy information officers.
 - 34.3 This policy has been put in place and training of the responsible managers and all employees on this policy and on the school's Protection of Personal Information Policy under POPIA takes place.
 - 34.4 Each new employee is required to sign an employment contract containing relevant consent clauses for the processing of the employee's personal information, or any other action so required, in terms of POPIA and a confidentiality clause.

- 34.5 Employees who are employed at the time that the school implements this policy are required to sign an addendum to their existing employment contracts giving consent to the processing of the employees' personal information for the purpose of, *inter alia*, implementing the employee's terms and conditions of employment, benefits provided to the employee and complying with legislative requirements.
- 34.6 The school's service providers are required to sign an addendum to the relevant Service Level Agreement guaranteeing their commitment to the protection of personal information.
- 34.7 The school's information officer and the IT department identify all reasonably foreseeable internal and external risks to personal information, and have established and will maintain appropriate safeguards against the risks identified. They regularly verify that the safeguards are effectively implemented, and will ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 34.8 Data subjects will be informed should their personal information be accessed or acquired by any unauthorised person.

RECORDS AUTOMATICALLY AVAILABLE

35. All information pertaining to the school on its website at www.stmarysschool.co.za is available for inspection and does not need to be requested in terms of the Act.
36. Records which are available upon request for inspection by appointment during normal school hours at the registered office of the school (located at its principal place of business set out in paragraph 3 of this manual), in accordance with the Companies Act, 2008 include:
- 36.1 Memorandum of Incorporation;
- 36.2 Register of directors and officers;
37. The following documents of the company are lodged with the Companies and Intellectual Property Commission:
- 37.1 Memorandum of incorporation and articles of association
- 37.2 Return of directors and officers
- 37.3 Other statutory documents
38. Copies are available on request in accordance with the provisions of the Companies Act and on payment of the prescribed fee from:
- The Companies Intellectual Property Commission
Private Bag X429
Pretoria 0001
- 116 Zanza Building
Proes Street
Pretoria

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

39. The legislation listed may create rights and procedures in terms of which records kept may be obtained by a requester. Where applicable and insofar as the requester complies with the requirements of the relevant act, and subject to the provisions of PAIA and POPIA, the requester may request access to such records.
- Value-Added Tax Act, 1991
 - Income Tax Act, 1962
 - Tax Administration Act, 2011
 - Companies Act, 2008
 - Basic Conditions of Employment Act, 1997
 - Employment Equity Act, 1998
 - Labour Relations Act, 1995
 - Compensation for Occupational Injuries and Diseases Act, 1993
 - Occupational Health and Safety Act, 1993
 - Skills Development Act, 1999
 - Skills Development Levies Act, 1999
 - Unemployment Insurance Act, 2001
 - Unemployment Insurance Contributions Act, 2002
 - Pension Funds Act, 1956
 - South African Schools Act, 1996
 - School Education Act, 1995 Gauteng

OTHER RECORDS

40. In addition to the records held under legislation referred to in paragraph 39 of this manual, the school holds records in the following categories and subject matters. All records described are held for one or more of the purposes described in paragraph 29 of this manual. Please note that recording a category or subject matter in this manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and POPIA.
41. **Pupils**
- 41.1 Personal information and special personal information
 - 41.2 Pupil attendance register
 - 41.3 Returns and reports to the Gauteng Department of Education
 - 41.4 Academic and performance and conduct records
42. **Parents**
- 42.1 Personal information and special personal information
 - 42.2 Contracts relating to the admission and enrolment of their daughters
43. **Prospective pupils and parents**
- 43.1 Personal information and special personal information, including reference and credit checks
44. **Employees**
- 44.1 Personal information and special personal information
 - 44.2 Payroll and human resource records

44.3 Staff lists indicating subjects and grades taught and SACE registration numbers

44.4 Development and performance records

45. Management

45.1 Minutes of meetings of the various governance and management structures of the school, including, amongst others, of the Board, Finance Committee, Bursary Committee, and other executive committee meetings.

45.2 Health and safety records, including NOSA reports

45.3 Records related to registration with, and compliance with the requirements of UMALUSI

45.4 School policies and procedures

46. Secretarial

46.1 Statutory documents and records

47. Financial management

47.1 Accounting records including ledgers, banking and cash records;

47.2 Purchasing and expenditure records

47.3 Records relating to statutory registrations, deductions and contributions

47.4 Asset management register

47.5 Management accounts

47.6 Debtor and credit control records

47.7 Annual financial statements

Annexure A

Form C REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act
2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

copy of record* inspection of record

2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View the images Copy of the images* Transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette) transcription of soundtrack* (written or printed document)

4. If record is help on computer or in an electronic or machine-readable form:

Printed copy of record* Printed copy of information derived from the record* Copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES NO

Postage is payable

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at this day of 20

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

Annexure B

FEES IN RESPECT OF PRIVATE BODIES

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 page or part thereof.

The fees for reproduction (excl VAT) referred to in regulation 11(1) are as follows:

		R
(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c)	For a copy in a computer-readable form on -	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) For a copy of an audio record	30,00

The **request fee** payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00 (excl VAT).

The **access fees** (excl VAT) payable by a requester referred to in regulation 11(3) are as follows:

		R
(1)	(a) For every photocopy of an A4-size page or part thereof	1,10
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
	(c) For a copy in a computer-readable form on -	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
(2)	Deposit - For purposes of <u>section 54(2)</u> of the Act, the following applies:	
	(a) Where the school received a request for access to a record relating to a person other than the requestor and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3 rd) of the amount of the applicable access fee, is payable.	

- (3) Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.