

Kyalami Schools NPC PROMOTION TO ACCESS OF TO INFORMATION ACT MANUAL 2021

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

Company Registration Number: 1995/009710/08
DoJ Registration Number: 52346/2021-2022/IRRTT

1. Introduction

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

- Beaulieu Preparatory School and Beaulieu Nursery School,
- Kyalami Preparatory School and Kyalami Preparatory Nursery 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 every person'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.

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: Dr. H Chikwanda (Chair), Mr A. Delpont, Dr L Khantsi, Mr A Meerburg, Mr A. Sheard, Mr T Hamilton (CEO Ex-Officio).

Designated Information Officers:

Mr Thomas Hamilton – CEO KS (NPC), tomhamilton@kyalamischools.org (Reg No: 52346/2021-2022/IRRTT)

Mrs Noële Hillen – Head, Beaulieu Preparatory School, nhillen@beaulieuprep.co.za (To be Registered)

Mr David Hala, Head, Kyalami Preparatory School, dhala@kyalamiprep.org (Reg No: 11721/2021-2022/IRRTT)

Mrs Danielle Meikle, Head, Beaulieu College, meikled@beaulieucollege.org. (Reg No: 5816/2021-2022/IRRTT)

Deputy Information Officers:

Mrs Audrey Oosthuizen, oosthuizen@kyalamischools.org (Reg No: 52346/2021-2022/IRRTT)

Mrs Tracy Newman, newmant@beaulieuprep.co.za (To be Registered),

Mrs Tammy Odendaal - Kyalami Preparatory School, todendaal@kyalamiprep.co.za (Reg No: 11721/2021-2022/IRRTT)

Mrs Anet Prinsloo - Beaulieu College, prinslooa@beaulieucollege.org (Reg No: 5816/2021-2022/IRRTT)

Telephone Number: +27 010 591 5004

Fax Number: +27 086 6066 390

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 application forms and contracts |
| Strategic Partners | MOAs, SLAs, JVAs. |
| Suppliers | Contracts |
| Employees | Employee personal information, contracts, performance history, payroll records and leave records.. |
| Job Applicants | CVs and Application Letters, reference checks and HR Process Records |
| Children/Pupils | Pupils' personal and medical information, pupils' academic and general records. |
| Visitors | Physical access and electronic records |
| PropCos | Contracts and 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 (“operators”), PTF 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 and will not process the information for any other purpose other than for which it was provided

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)

The following records are available from Kyalami Schools NPC **without the request procedure in terms of the Act being applied:**

- The Prospectus of any of our schools (limited numbers available, but may be viewed at the Head Office)
- The Annual Magazines of any or our school ((limited numbers available, but may be viewed at the Head Office)
- The Kyalami Schools website (freely available online at www.kyalamischools.org)

The following records may be available from Kyalami Schools NPC **subject to receipt of a request in terms of the Act and to a decision taken by the Chief Executive Officer:**

- **Administration:**
 - Agreements with Suppliers
 - Annual Financial Statements
 - Auditor Reports
 - Domain Name Registration
 - Health and Safety Records
 - Licences (TV, computer software, etc)
 - Memorandum of Incorporation
 - Minutes of Board of Directors Meetings.
 - Minutes of Executive Meetings

- Minutes of PTF Meetings
- Parents Teacher Forum Charter
- Policy Documents
- Schedule of School Fees
- School Registration
- Tax Records
- **Human Resources:**
 - Appeal Procedure
 - Code of Conduct
 - Disciplinary Procedures
 - Employee Correspondence Records
 - Employee Records
 - Employment contracts and Staff Personnel Files
 - Long Term Savings Plan Records
 - Payroll Records
 - Recruitment Policy
 - Remuneration Policy
- **Academic**
 - Database of Pupils & Parents
 - School Policies
 - School Code of Conduct and Disciplinary Procedure Policy
 - Records of Anti-Racism Task Team (ARTT) Meetings
- **Communications**
 - CEO Letters/Communiqués
 - Head's Newsletters/Blogs
 - Notices to Parents

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.
- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or email address of the body concerned [S53(1)].
- The requester must provide sufficient detail on the request form to enable the CEO/Head of Campus to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [S 53(2)(a) and (b) and (c) and (e)].
- 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 [S53(2)(d)].
- 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 CEO/Head of Campus [S53(2)(f)].

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

A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The CEO/Head of Campus must by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request [S54(1)]

- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [S54(3)(b)].
 - After the CEO/Head of Campus has made a decision on the request, the requester must be notified in the required form.
 - If the request is granted, a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours (six hours) to search and prepare the record for disclosure. [S54(6)]. Records may be withheld until the fees have been paid.
- A. The detailed Fee Structure is available on the website of the Company, at the following address:
www.kyalamischools.org .

4.7 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.

6. Availability of the Manual

- A copy of the Manual is available:
 - on www.kyalamischools.org ;
 - at Head Office of Kyalami Schools NPC for public inspection during normal business hours;
 - the Bursar's offices at each of the campuses during normal business hours;
 - to any person upon request and upon the payment of a reasonable prescribed fee; and
 - to the Information Regulator upon request.
- A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

7. Updating of the Manual

The Chief Executive Officer and Board Kyalami Schools NPC will on a regular basis update this manual.

Issued by



Thomas Hamilton
Chief Executive Officer
December 2021