



# ST JOHN'S COLLEGE FOUNDATION

## PROTECTION OF PERSONAL INFORMATION POLICY (External)

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## 1. Scope

- 1.1. The St John's College Foundation is obliged to inform its Data Subjects as to how their Personal Information is used, disclosed and destroyed.
- 1.2. The St John's College Foundation guarantees its commitment to protecting its Data Subjects' privacy and ensuring their Personal Information is used appropriately, transparently, securely and in accordance with applicable laws.

## 2. Definitions

- a. **"Data Subjects"** means donors, clients and suppliers.
- b. **"Personal Information"** is all information that relates to an identifiable Data Subject. It carries the same definition as personal information contained in the Protection of Personal Information Act No 4 of 2013.
- c. **"POPI"** means Protection of Personal Information Act No 4 of 2013.
- d. **"Foundation"** means The St John's College Foundation of St David Road Houghton, 2198 Johannesburg, South Africa.
- e. **"This Policy"** means this POPI Policy.

- 2.1 Any other words used in this Policy which are defined in POPI carries the same meaning in this Policy as in the Act.

## 3. Objectives

- 3.1. This Policy sets out how the St John's College Foundation deals with its Data Subjects' Personal Information and in addition for what purpose the information is used for. This Policy is made available by way of internal communication and by request at our Foundation at St David Road Houghton, 2198 Johannesburg, South Africa
- 3.2. The document that follows sets out and comprises:
  - i. The St John's College Foundation Policy on the Protection of Personal Information; and
  - ii. A Consent Form to be signed by all Clients, Service Providers and Suppliers (Annexure A).

## **4. Policy**

- 4.1. In South Africa, the right to privacy is protected in terms of the common law and section 14 of the 1996 Constitution. As with all rights in the Bill of Rights, none are absolute, and can be limited in terms of laws of general application. While the Constitution provides for, among other rights, the right to privacy, the extent of the right to privacy may be limited by application of laws such as the Promotion of Access to Information Act, 2 of 2000 and the Regulation of Interception of Communications and Provision of Communication-related Information Act, 70 of 2002 (RICA).
- 4.2. Other laws such as the Electronic Communications Act, 25 of 2002, the National Credit Act, 34 of 2005 and the Consumer Protection Act, 68 of 2008, all provide further protection for privacy and confidentiality.
- 4.3. POPI requires that all South African organisations which handle personal information comply with several important principles regarding privacy, disclosure and trans-border flows of personal information. POPI places responsibilities on the Foundation to process personal information that it holds, in a fair and proper manner. The processing of such information includes the collection, organising, storage, disclosure, transmission and use of personal information.
- 4.4. This Policy sets out the St John's College Foundation compliance with POPI.

## **5. Principals of Protection of Personal Information**

### **5.1. Personal Information that St John's College Foundation Collects**

- 5.1.1 The St John's College Foundation may collect and process the Data Subject's Personal Information as defined in POPI.
- 5.1.2 The type of information will depend on the nature of the relationship with the Data Subject and the purpose for which the information is collected and used.
- 5.1.3 Personal Information will be processed for those purposes only.
- 5.1.4 Whenever possible, the St John's College Foundation will inform the relevant Data Subject what information they are required to provide to the Foundation and what information is optional.
- 5.1.5 Examples of the Personal Information collected by the St John's College Foundation includes but are not limited to:
- a. Data Subjects' identity/registration number, name, surname, address/e-mail address, telephone numbers, postal code, employment history.
  - b. Any other information required by the Foundation to achieve the specified purpose.

## **5.2.Purpose of Collecting Personal Information**

5.2.1 The St John's College Foundation collects and processes Data Subjects Personal Information for the purposes of:

- for the Advancement Office, in order to keep records and liaise with donors
- for its administrative needs;
- for audit and record keeping purposes;
- legal proceedings;
- compliance with internal policies and procedures, legal and regulatory requirements or when it is otherwise allowed to by law;
- confirming, verifying, and updating Data Subjects' details;
- for the detection and prevention of fraud, money laundering or other malpractice;
- conducting market, supplier, or customer satisfaction surveys;
- for marketing

5.2.2 The St John's College Foundation has agreements in place with all suppliers, insurers, and third-party service providers to ensure there is a mutual understanding with regard to the protection of Personal Information.

### **5.3. Lawful basis of collecting Personal Information**

5.3.1 The St John's College Foundation handles what the Act classifies as 'special information'. This data is subject to strict controls, and therefore, The St John's College Foundation needs to adhere to POPI and protect this information efficiently;

5.3.1.1 Purpose Limitation- Personal data may only be used for the specific purpose for which it has been initially collected. Subsequent use for other purposes must be compatible with this primary purpose.

5.3.1.2 Proportionality- Processing of personal data may not be excessive in relation to the objective pursued by the company. Data may be collected only to the extent required.

5.3.1.3 Direct Collection- Personal data must be collected directly at the data subject.

5.3.1.4 Transparency- The data subject must be aware what personal data is processed for which purpose and who is responsible for it.

5.3.1.5 Data Quality- Personal data must be collected correctly. Appropriate measures must be taken so that irrelevant or incomplete data is corrected or deleted.

5.3.1.6 Security- Appropriate technical and organizational measures must be taken to protect personal data against unauthorized access, accidental loss or destruction and other forms of unlawful processing. Data may be accessible only by persons who have a "need to know."

5.3.1.7 Deletion- Personal Data that is no longer required must be deleted. The period data after which data is to be deleted shall be defined and the actual deletion must be ensured.

### **5.4. Processing of Personal Information**

5.4. Personal Information may only be processed if certain conditions are met which are listed below:

- a. The Data Subject consents to the processing – consent is obtained directly from the Data Subject.
- b. The Personal Information is subject to a contract concluded between the parties or such information is in the public domain.
- c. Processing complies with an obligation imposed by law on the St John's College Foundation in respect of but not limited to:

- Protection of Personal Information Act 4 of 2013;
  - Electronic Communications Act 25 of 2002 as amended;
  - Promotion of Access to Information Act 2 of 2000 as amended;
  - Income Tax Act 58 of 1962 as amended ;
  - Value Added Tax Act 89 of 1991 as amended;
  - Companies Act 78 of 2008 as amended;
  - Any other act or regulation the St John's College Foundation may be governed by.
- d. Processing protects a legitimate interest of clients and, pupils so that the St John's College Foundation can respond to their needs on a timeous basis and provide them with a beneficial service.
  - e. Processing protects a legitimate interest of suppliers so that the St John's College Foundation can provide them with business opportunities on a timeous basis and relevant information.
  - f. Processing protects a legitimate interest of donors to enable the St John's College Foundation to provide them with the necessary services and protection.

## **5.5. Disclosure of Personal Information**

- 5.5. We may disclose Data Subjects Personal Information:
  - a. To our suppliers and third-party service providers when necessary to perform any service. We have agreements in place to ensure that they comply with confidentiality and privacy conditions;
  - b. Where we have a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect our rights;

## **5.6. Information Security**

- 5.6. The St John's College Foundation information and communication technologies and systems are critical to the Foundation's operations. The reliance on such technologies and information (data) housed in such technologies are of significant importance to the St John's College Foundation.
- 5.6. In order to ensure continuity and efficient recovery in the event of a failure of such technologies and resulting loss of said data, the Foundation has and will continue to engage specific service providers to implement recovery solutions.

- 5.6. These security measures are subject to the service providers undertaking to maintain the confidentiality of any personal information as defined in POPI.
- 5.6. The St John's College Foundation is legally obliged to provide adequate protection for the personal information it holds and to stop unauthorised access and use of Personal Information. The St John's College Foundation will, on an ongoing basis, continue to review its security controls and related processes to ensure that its Data Subject's Personal Information is secure.
- 5.6. When The St John's College Foundation contracts with third parties, it imposes appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that it remains responsible for, is kept secure.

#### **5.7. Access and Correction of Personal Information**

- 5.7. Data Subjects have the right to access the Personal Information the Foundation holds about them.
- 5.7. Data Subjects also have the right to request the St John's College Foundation to update, correct or delete their Personal Information on reasonable grounds.
- 5.7. Once a Data Subject objects to the processing of their Personal Information, the Foundation may no longer process said Personal Information.
  - 5.7.3.1. Where a Data Subject objects to the processing of their Personal Information it may affect the validity of any and all other agreements between the parties where such processing is a material requirement in such agreements.
- 5.7. The St John's College Foundation will take all reasonable steps to confirm the Data Subject's identity before providing details of their Personal Information or making changes to their Personal Information.

#### **6. Document Control**

Amendments to this Policy will take place on an ad hoc basis. Data Subjects are advised to check the Policy periodically to inform themselves of any changes.



## 7. Retention of Records

RESPONSIBLE PERSON	RECORDS	WHERE FILED	ELECTRONIC OR HARDCOPY	RETENTION TIME	ACCESS	DISPOSAL
J KHUMALO	Donor, Trustee, Old Johannian and Past parents	Devman	Electronic	In accordance with permission from data subject and legal requirements.	Controlled	Demarcation

## **ANNEXURE A: CLIENT, SERVICE PROVIDER AND/OR SUPPLIER CONSENT**

### **CONSENT FOR THE PROCESSING OF PERSONAL INFORMATION BY THE FOUNDATION FROM CLIENTS AND/OR SUPPLIERS**

I am duly authorised to act on behalf of the St John's College Foundation, Service Provider and/or Supplier and acknowledge that I have read and understood The Foundation's Protection of Personal Information Policy as well as this consent form, and that I understand the contents thereof.

In accordance therewith, I consent to the processing of the Client, Service Provider and/or Supplier's Personal Information (as appropriate and necessary) by the St John's College Foundation, service providers and third-party contractors.

I further consent explicitly to Personal Information being shared with such agents, third party contractors and service providers of the Employer and processed in accordance with this Policy.

I acknowledge that:

- Personal Information will be collected only for lawful purposes and that the Personal Information will be retained only so long as such purposes exist;
- No further processing will take place that is not related to these purposes;
- The St John's College Foundation shall endeavor to keep such information complete, accurate up to date with the assistance of the Client, Service Provider and/or Supplier;
- The St John's College Foundation shall provide appropriate safeguards to protect the Personal Information; and
- The St John's College Foundation will contact the Client, Service Provider and/or Supplier in the event that its Personal Information is compromised.

The consent on behalf of my company extends explicitly to include the Personal Information of any of my staff, agents or representatives/service providers.

**Accepted by Client, Service Provider and/or Supplier**

**Signature:** \_\_\_\_\_ **Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Company Reg No/ID:** \_\_\_\_\_

Contact details: Telephone: (    ) \_\_\_\_\_ Email: \_\_\_\_\_