

PAIA Compliance Manual

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to:

Cedar House School Trust

Registration number:

IT1301/2003

INFORMATION MANUAL PUBLISHED IN TERMS OF S51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

1. INTRODUCTION

Cedar House is an independent school. We are classified as a “private body” in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA”), which requires us to publish this information manual in order to inform people of the procedures to follow in order to exercise their rights to request access to information held by us in terms of PAIA. In addition, this manual sets out your rights in terms of the Protection of Personal Information Act 4 of 2013 (“POPIA”) relating to your personal information, if we process such personal information on your behalf.

Note that this information manual must be read in conjunction with our **POPIA Notice**, which outlines the types of personal information that we process as well as the security measures that we take in respect of such personal information. This manual, as well as the POPIA Notice may be accessed on our website at www.cedarhouse.co.za.

2. CONTACT DETAILS

Address

5 Ascot Road,
Kenilworth,
Cape Town,
7708

Information Officer

Gail Gubb
Gail.gubb@cedarhouse.co.za

3. ABOUT PAIA

PAIA gives effect to everyone’s constitutional right of access to information held by private sector bodies or public bodies (i.e. government institutions) that is required for the exercise or protection of the requester’s rights.

A guide to the Act is available from the South African Human Rights Commission (“SAHRC”) website: www.sahrc.org.za. It describes, in each of official language:

- What the objective of this Act are;
- The details of each private body (where possible);
- The process that needs to be followed in order to make a request;
- How to get copies of the Guide at no charge;
- How to get access to the manual of a private body; and
- All the remedies available in law to you.

Should you have any queries in this regard, please contact the SAHRC directly at:
The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Postal address: Private Bag 2700
Houghton 2041
Tel: +27 11 887-3803
Fax: +27 11 403-0625
Website: www.sahrc.org.za E-mail: paia@sahrc.org.za

4. INFORMATION HELD BY US

The categories of records held by us are recorded in **Table 1** of our **POPIA Notice**, which may be accessed on our website at www.cedarhouse.co.za or requested at our offices or via email to our Information Officer or Deputies.

5. OTHER LEGISLATION IN TERMS OF WHICH ACCESS TO CERTAIN INFORMATION MAY BE GRANTED

In addition to PAIA, the following legislation may create rights and procedures in terms of which you may obtain certain records held by us:

- Skills Development Levies Act 66 of 1995
- Financial Intelligence Centre Act 38 of 2001
- Companies Act 71 of 2008
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Value Added Tax 89 of 1991
- Unemployment Insurance Act 63 of 2001
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Protection of Personal Information Act 4 of 2013
- South African Schools Act 84 of 1996
- South African Council for Educators Act 31 of 2000 and rules issued in terms thereof
- Independent Schools of South Africa constitution and rules issued in terms thereof

6. EXERCISING YOUR RIGHTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT

POPIA grants data subjects certain rights relating to their personal information that is processed by us. This section highlights the said rights and how they may be exercised.

Please note that the Information Officer or Deputies may require you to provide proof of your identity to his or her reasonable satisfaction, before taking further action in terms of any request made in terms of this paragraph 6.

The procedures contained in this paragraph 6 will also apply to requests for personal information relating to minors by their parents or legal guardians.

Please note that the procedures contained in this paragraph 6 relate only to “Personal Information”, as defined in POPIA. In general, that means information relating to you specifically, or to your child or a person in respect of whom you hold legal authority to deal with their personal information. If your request relates to information that is not personal to you, or in respect of which you do not have such legal authority, you must follow the procedure set out in paragraph 7 below. The Information Officer or Deputy will have the discretion to determine whether your request relates to Personal Information or whether it should instead be dealt with in terms of paragraph 7 below and will communicate this decision to you in writing.

Withdrawal of authorisation

If we process your personal information because you have consented thereto, or because it is a requirement of a contract between us, or in order for us to provide you with services, you may withdraw your consent for the processing of your personal

information by way of written notice to either the Information Officer or, in the event of a contractual relationship, in the manner provided for in the specific contract. **Please note that such a withdrawal of consent may result in it becoming impossible for us to perform our obligations in terms of such contract, and may therefore constitute a repudiation of the contract by you, which may result in the contract being terminated.**

Request for confirmation of records held

In terms of s23(1)(a) of POPIA, you are entitled to request that we confirm, free of charge, whether we process any personal information pertaining to you.

You may exercise this right by way of an email addressed to the Information Officer, whose contact details are contained in paragraph 2 above. The Information Officer, or one of the Deputy Information Officers, will respond to you in writing within a reasonable period of receiving your request.

Please note that we may refuse to grant your request on any of the grounds listed in PAIA (see paragraph 7 below for the most common grounds of rejection). In the event of such refusal, the grounds for refusal will be communicated to you by the Information Officer or Deputy in writing.

Request for copies or description of records held

In terms of s23(1)(b) of POPIA, you are entitled to request that we provide you with a description or copies of records containing your personal information, as well as confirmation of the identity of all third parties or categories of third parties, who have, or have had, access to such information.

You may exercise this right by way of an email addressed to the Information Officer, whose contact details are contained in paragraph 2 above. The Information Officer or a Deputy Information Officer will respond to you in writing within a reasonable period of receiving your request.

Please note that we may refuse to grant your request on any of the grounds listed in PAIA (see paragraph 7 below for the most common grounds of rejection). In the event of such refusal, the grounds for refusal will be communicated to you by the Information Officer or Deputy in writing.

Request for correction of personal information

In terms of s24 of POPIA, you are entitled to request that we correct or delete personal information about you in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or which you believe was obtained unlawfully, or to destroy or delete a record in respect of which you have withdrawn your authorization to allow us to process it.

A request in terms of this section must be submitted using the form prescribed in terms of POPIA, a copy of which is annexed to this manual as **Schedule 1**. The form must be submitted by hand or email to the Information Officer, whose contact details are provided in paragraph 2 above. Copies of the form may also be downloaded from the website of the Information Regulator (<https://www.justice.gov.za/inforeg/>). The Information Officer or a Deputy will attend to the request as soon as reasonably possible and provide you with written confirmation once the requested correction has been made.

Objections to processing of personal information

In terms of s11(3) of POPIA, you may object to our processing of your personal information if the reason for such processing relates to:

- The protection of a legitimate interest of yours
- The pursuit of our legitimate interests or those of a third party to whom the information is supplied
- Direct marketing other than direct marketing by means of unsolicited electronic communications

In such instances, you may lodge an objection in writing with the Information Officer, whose contact details are provided in paragraph 2 above, by using the form prescribed in terms of POPIA, a copy of which is annexed to this manual as **Schedule 2**. Copies of the form may also be downloaded from the website of the Information Regulator (<https://www.justice.gov.za/inforeg/>).

7. PAIA INFORMATION REQUEST

Any request for information that does not relate to your rights in terms of POPIA, as set out in paragraph 6 above, must follow the procedures contained in this paragraph 7. **This includes information that does not relate to you personally, or information that is not regarded as “Personal Information” in terms of POPIA.**

Submitting a request

Please complete the request form prescribed in terms of PAIA, a copy of which is annexed to this manual as **Schedule 3**. Copies of the form may also be downloaded from the website of the South African Human Rights Commission (<https://www.sahrc.org.za/>). When completing the request form, please ensure that you provide sufficient information to enable us to adequately identify:

- The records requested
- The identity of the requester
- Which form of access is required, if the request is granted
- The contact information of the requester
- The right which you are seeking to protect or enforce by means of the records requested (access to the records must be “necessary” for the exercise or protection of the right so stated, otherwise we may refuse your request).

Please note that, if you are making the request on behalf of another person, you must submit proof of your authority to do so, to the reasonable satisfaction of the Information Officer or Deputy.

Persons who are disabled or illiterate may approach the Information Officer or a Deputy in person to make a request verbally.

Once completed, please send the form and any supporting documents via email to the Information Officer, whose contact details appear in paragraph 2 above.

Prescribed fees

In terms of PAIA, we are entitled to charge a prescribed fee for all information requests that are not “personal requests.” Personal requests are those dealt with in paragraph 6 above (requests relating to your own personal information).

PAIA allows us to charge a **request fee of R50.00, as well as an access fee**, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

The request fee must be made following the submission of the prescribed request form and proof of payment must be submitted. We are not required to consider your request until the request fee has been paid.

If the search for and preparation of the record, including arrangement to make it available in the requested form, requires more than the hours prescribed by PAIA (6 hours), the Information Officer or Deputy will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

If your request is granted, you may be required to pay the applicable access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. The Information Officer or Deputy will notify you of the applicable fees, which must be paid before the requested information is provided to you.

If your request is refused and you were required to pay a deposit, you are entitled to be refunded such deposit (note that this applies to the deposit in respect of access fees and not to the R50.00 request fee).

Please refer to **Schedule 4** of this manual for a breakdown of the prescribed fees.

Considering requests

We will only be required to consider your request once the prescribed form and supporting documentation has been submitted and prescribed fees, if applicable, have been paid.

Except in cases where PAIA provides for the extension of time periods, your request will be considered and a written response provided by the Information Officer or their duly authorised representative within 30 days of proper submission of the request. You may provide a written motivation with your request as to why the standard time periods should not be followed and we may, in our sole discretion, choose to dispense with such time periods based on your motivation.

Please note that your request may be refused based on one or more grounds set out in PAIA, including the following grounds:

- That disclosure of the requested information is not reasonably necessary to enforce a specified right, or that you have failed to adequately describe what right you seek to enforce or to provide sufficient reasons as to why the disclosure is necessary to enforce such right.
- Where we are required to protect the privacy of a third party who is a natural person, where your request would involve the unreasonable disclosure of personal information of that natural person.
- Where we are required to protect the commercial information of a third party, if the requested record contains trade secrets of that third party; financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or information

disclosed in confidence by a third party to us, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- Where we are required in terms of a contract to protect the confidential information of a third party.
- If the disclosure could endanger the life or safety of individuals or compromise the security of movable or immovable property.
- To protect records which are legally privileged.
- To protect the confidentiality of our own commercial records, including our own trade secrets, financial, commercial, scientific or technical information if disclosure would likely cause harm to our financial or commercial interests.
- Protecting research information relating to us or a third party, if its disclosure would disclose our identity, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Appeal against decision of Information Officer

If you are not satisfied with the decision of the Information Officer or Deputy relating to your information request, you may submit a written appeal to the school Council for consideration.

Your appeal should include your original request and all supporting documentation, as well as the reasons as to why you are not satisfied with the Information Officer or Deputy's decision and the relief sought. Your appeal must be submitted within 10 days of the Information Officer or Deputy's decision.

Once submitted, your appeal will be considered by the Council as soon as possible. You will then be advised in writing of the decision relating to your appeal, as well as the reasons for the decision. This decision will be final and, should you remain unsatisfied with the decision, you are entitled to apply to a court with appropriate jurisdiction for further relief.

SCHEDULE 1

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
 DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION**

**IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION
 ACT, 2013 (ACT 4 OF 2013)
 REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
 [Regulation 3]**

Note:	
<i>Affidavits or other documentary evidence as applicable in support of the request may be attached.</i>	
<i>If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.</i>	
<i>Complete as is applicable.</i>	
Mark the appropriate box with an 'x'.	
Request for:	
<input type="checkbox"/>	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
<input type="checkbox"/>	Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.
A	DETAILS OF THE DATA SUBJECT
Name(s) and surname/registered name of data subject:	
Unique identifier/Identity Number:	

Residential, postal or

SCHEDULE 2

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION
 IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION
 ACT, 2013 (ACT 4 OF 2013)
 REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
 [Regulation 2]**

<i>Note:</i>	
<i>Affidavits or other documentary evidence as applicable in support of the objection may be attached.</i>	
<i>If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.</i>	
<i>Complete as is applicable.</i>	
A	DETAILS OF DATA SUBJECT
Name(s) and surname/registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:

	Code ()
Contact number(s):	
Fax number/E-mail address:	

SCHEDULE 3

Request for access to record of private body

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))
[Regulation 10]

Particulars of private body
B Particulars of person requesting access to the record
<p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>
<p>Full names and surname: _____</p> <p>Identity number: _____</p> <p>Postal address: _____</p> <p>_____</p> <p>_____</p> <p>_____ Fax number: _____</p> <p>Telephone number: _____ E-mail address: _____</p> <p>Capacity in which request is made, when made on behalf of another person: _____</p> <p>_____</p>
C Particulars of person on whose behalf request is made
<i>This section must be completed ONLY if a request for information is made on behalf of another person.</i>
<p>Full names and surname: _____</p> <p>Identity number: _____</p>
D Particulars of record
<p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p>
<p>Description of record or relevant part of the record: _____</p> <p>_____</p> <p>_____</p>

SCHEDULE 4
FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION		Rand
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
2	The fees for reproduction referred to in regulation 11 (1) are as follows:	
(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
(d)(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
(e)(ii)	For a copy of an audio record	30,00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
4	The access fees payable by a requester referred to in regulation 11 (3) are as follows:	
4.1(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
(e)(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, excluding the first hour, reasonably required for such search and preparation.	
4.2	For purposes of section 54 (2) of the Act, the following applies:	
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	One third of the access fee is payable as a deposit by the requester.	