

**KUTITIVA FOUNDATION**  
**REGISTRATION NUMBER: 2017/219565/08**  
**POLICY MANUAL FOR THE PROTECTION OF PERSONAL INFORMATION AND THE RETENTION OF**  
**DOCUMENTS AND RECORDS IN TERMS OF THE POPIA**

- 1. NAME OF THE POLICY:**  
POLICY MANUAL FOR THE PROTECTION OF PERSONAL INFORMATION AND THE RETENTION OF DOCUMENTS AND RECORDS IN TERMS OF POPIA.
- 2. EFFECTIVE DATE:**  
19/07/2021
- 3. DATE OF NEXT REVIEW:**  
31/12/2021
- 4. REVISION HISTORY:**  
As amended on: 19/07/2021  
Frequency of Review: Annually or as needed
- 5. PREAMBLE**
  - 5.1. POPIA is not intended to prevent the processing of personal information but to ensure that it is done fairly and without adversely affecting the rights of data subjects. Given the wide-ranging impact of the POPIA, it is expressly provided that all processing of personal information must conform to the POPIA's provisions.
  - 5.2. Kutitiva is a non-profit organization registered in terms of the Companies Act, 71 of 2008 and is managed and governed in terms of the provisions of the act as well as the language and admissions policy drafted in terms thereof.
  - 5.3. A person's right to privacy entails having control over his or her personal information and being able to conduct his or her affairs relatively free from unwanted intrusions. Given the importance of privacy, Kutitiva is committed to effectively managing personal information in accordance with POPIA's provisions.
  - 5.4. POPIA establishes the rights and duties that are designed to safeguard personal data in terms of POPIA, the legitimate needs of Kutitiva to collect and use personal data for its business and other purposes are balanced against the right of data subjects to have their right of privacy, in the form of their personal details, respected.
  - 5.5. Kutitiva regards the lawful and appropriate processing of all Personal Information as crucial to successful service delivery and essential to maintaining confidence between Kutitiva and those persons also known as a data subject in terms of POPI and entities/agencies/businesses/persons who deal with Kutitiva. Kutitiva therefore fully endorses and adheres to the principles of the Protection of Personal Information Act, Act 4 of 2013 (POPIA) and the regulations promulgated in terms of the Act.

5.6. Data (including information and knowledge) is essential to the administrative business of Kutitiva. In collecting personal data all staff has a responsibility to use it both effectively and ethically. There is a balance to be struck between an individual's right to privacy and the legitimate business requirements of Kutitiva. Therefore, it is critical that all staff in Kutitiva work to the highest attainable standards with regard to this Policy Manual and the prescripts of POPIA and other related legislation and policies. Kutitiva's integrity includes both the way in which staff conduct themselves and the way in which all ensure the data Kutitiva hold is compliant with relevant legislation.

5.7. **Details of Kutitiva:**

Business address: 437 Pride of India Place, Centurion, Pretoria, 0157

Contact number: 082 788 2033

Email address: [info@kutitiva.org](mailto:info@kutitiva.org)

Website: <https://www.kutitiva.org>

**6. OBJECTIVES OF THE POLICY MANUAL**

6.1. To safeguard the personal information held by Kutitiva from threats, whether internally or externally, deliberate or accidental and thus protecting the right of privacy of all Data Subjects whose information is processed.

6.2. Protecting Kutitiva's records and information in order to ensure the continuation of the day to day running of Kutitiva.

6.3. Regulating the manner in which personal information is processed by Kutitiva and stipulates the purpose for which information collected is used.

6.4. Appointing Information Officers to ensure respect for and to promote, enforce and fulfil the rights of Data Subjects.

6.5. To protect Kutitiva from the compliance risks associated with the protection of personal information which includes:

a. Breaches of confidentiality where Kutitiva could suffer a loss in revenue where it is found that the personal information of data subjects has been shared or disclosed inappropriately.

b. Failing to offer a choice, including the choice where all data subjects should be free to decide how and for what purpose Kutitiva may use information relating to them.

c. Any instances of any reputational damage where Kutitiva could suffer a decline in its reputation, or its good name is impugned through the actions of another party who disseminates or has gained unauthorized access to any personal information of Kutitiva's data subjects.

**7. DEFINITIONS/TERMINOLOGY AND ACRONYMS**

7.1 Accuracy of data: The degree to which the output correctly describes the data.

7.2 Administrative data: Data collected from administrative sources.

7.3 Advanced Electronic Signature: an electronic signature which results from a process which has been accredited by an Authority as provided for in section 37 of ECTA.

7.4 Archive: Means a repository holding physical documents/files and/ or other

material containing a variety of data, it can also be data in an electronic format and/or in the Cloud. (Also see document).

- 7.5 Authentic records/documents/information: Authentic records are records that can be proven to be what they purport to be. They are also records that are considered by the creators to be their official record.
- 7.6 Best interests of the child: The best interests of the child should be the primary consideration when a child's information is processed and/or when the legal disclosure of such information to a third party has to be considered.
- 7.7 Biometrics: Means a technique of personal identification that is based on physical, physiological or behavioral characterization including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
- 7.8 Bots/Chatbots Bots are automated electronic software programs that run over the Internet. Chabot's and social bots are programmed to mimic natural human interactions such as liking, commenting, following, and unfollowing on social media platforms.
- 7.9 Child: Means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself.
- 7.10 Certified Copy: A "certified copy" is a copy of an official primary document that has on it an endorsement or certificate that it is a true copy of the primary document. A certified copy does not certify that the primary document is genuine, only that it is a true copy of the primary document.
- 7.11 Competent Person: Means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.
- 7.12 Confidential Information:
- a) Confidential Information is a broader category than personal information.
  - b) This means that as a general rule, all personal information is confidential and should be kept confidential, but not all confidential information is necessarily personal information.
  - c) Kutitiva's business plan, strategic plans, development plans and whole Kutitiva evaluation may be regarded as confidential without containing personal information.
- 7.13 Consent: Consent by and of and for the data subject (by parents and guardians of students and other legally authorized agents/representatives) means any freely/voluntarily given, specific, informed expression of will and unambiguous indication of the data subject's wishes by which he or she, by a statement or by clear affirmative action, and/or signature including an electronic signature or any other electronic and/or written method, signifies agreement to the processing of personal data relating to him or her in terms of POPIA, this policy and related policies and legislation.

- Constitution Means the Constitution of the Republic of South Africa, 1996, as amended.
- 7.14 Custody of records/documents: The control of records/documents based upon their physical possession.
- 7.15 Data: Means electronic representations of information in any form.
- 7.16 Data breach: Means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored or otherwise processed. Data confidentiality A collection of data indicating the extent to which its unauthorized disclosure could be prejudicial or harmful to the interest of the source or other relevant parties.
- 7.17 Data credibility: The quality, capability, or power of the data to elicit belief that it is true.
- 7.18 Data Message: Means information generated, sent, received or stored by any electronic means well as the definition in section 1 in ECTA and other legislation i.e. any electronic representations of information in any form as well as a stored record and voice message/recording.
- 7.19 Data Subject: Means any natural person /juristic person to whom any information relates to and who provides the requested information by his/her own expression of will and on behalf of any minor in case of a parent/guardian/caregiver to Kunitiva.
- 7.20 De-Identify: De-identify”, in relation to personal information of a data subject, means to delete any information that –
- a) identifies the data subject;
  - b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
  - c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “deidentified” has a corresponding meaning.
- 7.21 Disposal: The action of either destroying/deleting a record/ document/personal information or transferring it into archival custody.
- 7.22 Direct Marketing: Means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:
- a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; and/or
  - b) requesting the data subject to make a donation provide sponsorship of any kind for any reason.
- 7.23 Document: Means any book, map, pamphlet, letter, circular letter, list, record, placard, poster, notice, pdf electronic document, electronic information or any other document stored on a database of a server/computer/electronic handheld device, web page, blog, App and also printed and electronic newspapers, magazines, periodicals, blogs,

- and everything that contains the written pictorial proof of something and it does not matter what the material is made of.
- 7.24 Tutor: Means a person who is appointed to perform tutoring duties, who teaches, educates or trains other persons or who provides professional educational services, including professional therapy, assessments and education psychological services, as managed or provided by Kutitiva.
- 7.25 Electronic Communication: Means any text, voice, sound, video, photograph, payment transaction or image message sent over an electronic communications network using a computer/electronic handheld device/tablet/cell phone/Wi-Fi/Smartphone/smartwatch which is stored in the network or in/on the recipient's terminal/handheld/portable/digital/electronic equipment until it is collected/accessed by the recipient and is available on any social media platform or App and include any other electronic communication posted or forwarded to another person's device/computer/tablet/cellphone/WiFi/Smartphone/smartwatch.
- 7.26 Electronic records Information/data which is generated electronically and stored by means of computer/electronic/digital technology. Electronic records can consist of an electronic correspondence system and electronic record systems other than the correspondence system.
- 7.27 Electronic Signature: Refers to data attached to, incorporated in, or logically associated with other data and which is intended by the user/person/applicant/data subject/third party to serve as a signature. Examples of electronic signatures include:
- a) Kutitiva typed name at the end of Kutitiva e-mail, b) a scanned image of Kutitiva handwritten signature embedded into a Word document; and
  - c) a so-called digital signature. ECTA also creates a special type of electronic signature, known as an "advanced electronic signature".
- 7.28 Electronic Transactions/ Electronic Financial Transaction/Payments include e-mails sent and received, other messages sent and received on any electronic/digital messaging platform, properly authorized payments made and received by EFT and to the credit of Kutitiva's bank account and from Kutitiva's account to another party's account using any social media platform/banking App/ATM.
- 7.29 Filing System:
- a) POPIA only applies to the processing of personal information which is in a record which forms part of a filing system.
  - b) A filing system therefor means any structured set of personal information, whether centralized, decentralized or dispersed on a functional or geographical basis, which is accessible according to specific criteria and/or accessed using in any digital electronic format by means of any the recipient's computer

- terminal/handheld/portable digital/electronic equipment or in hard copy/Written format.
- c) The collective noun for a storage system (like files, boxes, shelves or electronic applications and storage systems) in which records are stored in a systematic manner according to a file plan.
- 7.30 Historical data: Refers to data that is two or more years old.
- 7.31 Information Officer Information officer of, and/or in relation to, Kutitiva means the information officer or deputy information officer as contemplated in terms of section 1 or 17 of POPIA. The Information Officer is responsible for ensuring Kutitiva's compliance with POPIA. Where no Information Officer is appointed, the director of Kutitiva will be responsible for performing the Information Officer's duties.
- Once appointed, the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties.
- Deputy Information Officers can also be appointed to assist the Information Officer.
- 7.32 Information Regulator: Means the Information Regulator established in terms of section 39 of POPIA.
- 7.33 Informed: Means the data subjects are properly informed what information he/she consents to supply to as requested by Kutitiva to be processed by an operator and requested to read the document requesting the information and indicate that he/she has read it and understands it.
- 7.34 Juristic Person: Includes a partnership, close corporation, company or other legal entities provided for in South African legislation. such
- 7.35 Student: Means any person receiving tutoring, education or having assessments done by Kutitiva.
- 7.36 Student profile: A continuous record of information that provides an all-round impression of a student's progress, behavioral records, including the holistic development of values, attitudes and social development.
- 7.37 Member of Staff/Staff Member: Means a person employed at Kutitiva, or contracted by Kutitiva to render services.
- 7.38 Mobile Social Media: refers to the use of social media on mobile devices such as cell phones/smartphones, smartwatches and tablet computers.
- 7.39 Operator: Means a person who processes personal information/data collected for and on behalf of Kutitiva (internal or external) in terms of a contract, employment contract, or a mandate without coming under the direct authority of Kutitiva and does not use the data for personal purposes.
- 7.40 Parent/Guardian/Caregiver Means- (a) the biological or adoptive parent or legal guardian of a student;
- (b) the person legally entitled to custody of a student; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the student's education at Kutitiva.
- 7.41 Person: Means a natural person or a juristic person.

- 7.42 Personal Information: means information relating to an identifiable, living, natural person, and where it is applicable and identifiable, existing juristic person, including, but not limited to:
- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - b) information relating to the education or the medical, financial, criminal or employment history of the person;
  - c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or another particular assignment to the person;
  - d) the biometric information of the person;
  - e) the personal opinions, views or preferences of the person;
  - f) Correspondence (including any electronic correspondence) sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - g) the views or opinions of another individual about the person; and
  - h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 7.43 Personal Identifiable Information/Online Identifier: Means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier/online identifier such as an IP address/"cookies"/identifier on a mobile phone/landline phone.
- 7.44 Processing: Means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:
- a) the collection, receipt, recording, organization, collation, storage, updating or modification, amending, adapting, handling, storing retrieval, alteration, consultation or use;
  - b) dissemination/disclosing by means of transmission, distribution or making available in any other form; or
  - c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
  - d) aligning, combining, blocking, erasing or destroying the data.
- Professional Legal Adviser Means any legally qualified person/legal firm contracted by Kutitiva, whether in private practice or not, who lawfully provides Kutitiva or a client, at Kutitiva's request or the client's request, with independent, confidential legal advice.

- 7.45 **Public Record:** Means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.
- 7.46 **Recipient:** Means a natural or legal person, public authority, agency or another body, to which the personal data are legally disclosed in any format, whether a third party or not.
- 7.47 **Record:** Means any recorded information –
- a) regardless of form or medium, including any of the following:
    - i. Writing on any material;
    - ii. information produced, recorded or stored by means of any tape recorder, sound recording, computer equipment, mobile phone, closed-circuit camera, whether hardware or software or both, or another device, and any material subsequently derived from information so produced, recorded or stored;
    - iii. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
    - iv. in a book and/or as a map, plan, graph or drawing; v. photograph, film, video (digitally or electronically), negative, tape or another device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced in any form or in any software programme;
  - b) in the possession or under the control of Kunitiva;
  - c) whether or not it was created by any responsible party; and
  - d) regardless of when it came into existence.
- 7.48 **Recording:** Anything on which sounds or images or both are fixed, or from which sounds or images or both are capable of being reproduced, regardless of form.
- 7.49 **Regulator:** Means the Information Regulator established in terms of section 39 of POPIA.
- 7.50 **Re-identify:** In relation to personal information of a data subject, means to resurrect any information that has been de-identified, that –
- a) identifies the data subject;
  - b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
  - c) can be linked by a reasonably foreseeable method to other information that identifies the data subject; and
  - d) re-identified has a corresponding meaning.
- 7.51 **Representative:** Means in the context of this policy manual, a natural or legal person



- established in South Africa designated by a public or private body or even Kuitiva who are legally entitled to provide information on any data subject to Kuitiva and who are entitled to sign any legal document/letter/email/ correspondence or another legal instrument on behalf and for such natural or legal person.
- 7.52 Responsible Party: Means a public or private body such as Kuitiva as a juristic person or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
- 7.53 Retention Period: The length of time that records should be retained in offices before they are either transferred into archival custody or destroyed/deleted.
- 7.54 Scanned Document: in the context of this policy means the process of capturing paper documents and converting them to digital format via a document scanner or multi-function printer. Document scanning is also commonly referred to as document conversion or document imaging.
- 7.55 Kuitiva Activity: Means any official educational, service, administrative or social activity provided by Kuitiva.
- 7.56 Social Media Platforms/Sites/Apps Forms of electronic communication (such as websites/Apps for social networking, messaging and microblogging) through which users create online communities/groups/chat groups to share/post information, chats, ideas, personal messages, and other content. Social Media Services Users usually access social media services via web-based apps on desktops and laptops, or download services that offer social media functionality to their mobile devices (e.g., smartphones and tablets).
- a) As users engage with these electronic services, they create highly interactive social media platforms through which individuals, communities, and organizations can post, create, share, co-create, discuss, participate and modify user-generated content or self-curated content posted online with the intent to share information, ideas, personal messages, and other content to other online users and/or followers/"friends"/receivers.
- 7.57 Special Personal Information Means personal information as referred to in section 26 of POPIA: This includes all information relating to a person's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal behaviour. POPIA also specifically regulates personal information (of a child).
- 7.58 Submit: Means submit by-
- a) data message;
  - b) any form of electronic communication on any app/social media platform provided the receiver is informed that such a message has been sent/posted;
  - c) telephone of which there is a record;
  - d) registered post;
  - e) electronic mail including registered e-mail;
  - f) facsimile; and

- g) personal delivery and/or by hand by any person.
- 7.59 Cameras / Video cameras are used by Kutitiva in monitoring the movements and behavior of individuals; this can include video, audio or live footage. For the purpose of this policy only video and audio footage or both, will be applicable. This will be clearly communicated to all tutors and students.
- 7.60 Third-Party: Means a natural or legal person, public authority, agency, entity or body other than the data subject, parents of students of Kutitiva, and persons who, under the direct authority of Kutitiva are authorized to process personal data.
- 7.61 User-generated Content: User-generated means electronic/digital content such as text posts or comments, digital photos or videos, and data generated through all online interactions using/posting generating content on any social media platform.

## **8. APPLICATION AND SCOPE OF THE POLICY**

- 8.1. At Kutitiva we are committed to protecting the privacy of data subjects and to ensure that their personal information is collected and used properly, lawfully and transparently.
- 8.2. The Director of Kutitiva is ultimately responsible for ensuring that information security is properly managed. The Information Officer, (Darleen van Tonder), is responsible for:
- a. The development and upkeep of this policy.
  - b. Ensuring this policy is supported by appropriate documentation, such as procedural instructions.
  - c. Ensuring that documentation is relevant and kept up to date.
  - d. Ensuring this policy and subsequent updates are communicated to parties dealing with Kutitiva.
  - e. Kutitiva's employees, volunteers, contractors, suppliers and any other persons acting on behalf of Kutitiva are required to familiarize themselves with the policy's requirements and undertake to comply with the stated processes and procedures.
  - f. Risk owners and control owners are responsible for overseeing and maintaining control procedures and activities of their particular areas of responsibility overseen by the information officer of Kutitiva.
- 8.3. The Information Officer and staff are responsible for adhering to this policy, and for reporting any security breaches or incidents.
- 8.4. This Policy Manual applies to all staff of Kutitiva, both permanent and temporary staff, to staff working on a contract basis for Kutitiva, coaches, volunteers and others who are authorized to access personal data held by Kutitiva. The provisions of the Policy are applicable to both on and off-site processing of personal information. Non-compliance with this policy may result in disciplinary action and possible termination of employment or mandate, where applicable.
- 8.5. This policy applies to personal information collected by Kutitiva in connection with the services it offers. This includes information collected offline through Kutitiva's telephone lines and online through Kutitiva's websites, branded pages on third-party platforms and applications accessed or used through such websites or third-party platforms which are operated by or on behalf of

Kutitiva. This policy is hereby incorporated into and forms part of the terms and conditions of use of the applicable Kutitiva web sites and other social media platforms.

- 8.6. Managers within Kutitiva are required to ensure that all staff who manage or have access to personal data comply with this Policy Manual.
- 8.7. This policy does not apply to:
- a. information collected by third party websites, platforms and/or applications (“Third Party Sites”) which Kutitiva does not control;
  - b. information collected by Third-Party Sites which a person can access via links on Kutitiva sites; or
  - c. banners, competitions and other advertisements, services, or promotions on Third Party Sites that Kutitiva may sponsor or participate in or just host advertisements for.
  - d. Information for purely household activities;
  - e. Which has been de-identified;
  - f. Which has been processed by or on behalf of another public body for the purposes of:
    - i. Safeguarding national security;
    - ii. The investigation and prosecution of criminal matters;
    - iii. Processed by the Cabinet and its Committees or the Executive Council of a province;
    - iv. Relating to the judicial functions of a court.
  - g. The processing of personal information for the purposes of journalistic expression in defined circumstances;
  - h. The exclusion requires the journalist to be subject to a Code of Ethics and provides adequate safeguards for the protection of personal information. It is important to note that the exclusions referred to above related to the processing by or on behalf of a public body for the purposes of national security and investigation of a crime are only granted to the State if adequate safeguards have been established in the legislation permitting the process of such information.
- 8.8. This policy impacts upon Kutitiva’s work practices and data processing for all those who:
- a. create records including electronic records;
  - b. have access to records;
  - c. have any other responsibilities for records, for example, storage and maintenance responsibilities;
  - d. have a management responsibility for staff engaged in any the activities as stipulated in the policy.

## **9. LEGISLATIVE FRAMEWORK**

- 9.1. Constitution of the Republic of South Africa, Act 108 of 1996.
- 9.2. The Protection of Personal Information Act no 4 of 2013, as amended.
- 9.3. Electronic Communications and Transactions Act, 25 of 2002.
- 9.4. Financial Intelligence Centre Act, Act 38 of 2001, as amended.

## **10. POLICY STATEMENTS**

### **10.1 Commitment to the Principles of POPIA**

10.2.1. The Information Officer, any authorized operator and staff of Kutitiva is committed to the following principles:

- a. To be transparent with regards to the standard operating procedures governing the collection and processing of personal information.
- b. To comply with all applicable regulatory requirements regarding the collection and processing of personal information.
- c. To collect personal information only by lawful and fair means and to process personal information in a manner compatible with the purpose for which it was collected.
- d. Where required by regulatory provisions, to inform individuals when personal information is collected about them.
- e. To treat special personal information that is collected or processed with the highest of care as prescribed by regulation.
- f. Where required by regulatory provisions or guidelines, to obtain individuals' consent to process their personal information.
- g. To strive to keep personal information accurate, complete and up to date and reliable for their intended use.
- h. To develop reasonable security safeguards against risks such as loss, unauthorized access, destruction, use, amendment or disclosure of personal information.
- i. To provide data subjects with the opportunity to access the personal information relating to them and, where applicable, to comply with requests to correct, amend or delete personal information.
- j. To share personal information, such as permitting access, transmission or publication, with third parties only with a reasonable assurance that the recipient has suitable privacy and security protection controls in place regarding personal information and are allowed to such access.
- k. To comply with any restriction and/or requirement that applies to the transfer of personal information nationally and/or internationally.
- l. All new employees and contractors of Kutitiva will be made aware during induction, or through training programs, of their responsibilities under the terms of this Policy and POPIA.

### **10.3. The Principles of Compliance**

- 10.3.1. Obtain consent before collecting data (or processing, storing, or sharing it).
- 10.3.2. Be sure to only collect data needed for legitimate purposes.
- 10.3.3. To use the information in a way that matches the purpose of collection.
- 10.3.4. Take reasonable security steps to protect the integrity of the information.
- 10.3.5. Store the information only as long as required.
- 10.3.6. Uphold data subjects' rights by providing access and corrections to the information. Should a data subject require personal information to be updated,

corrected or deleted/destroyed, Kutitiva must be informed thereof via the contact mediums and by making use of the contact details provided herein.

#### **10.4. Privacy Policy and Privacy Notice**

11.5.1. Kutitiva ensures that all personal information collected remains confidential and will not be disseminated without the data subject's prior approval.

11.5.2. Kutitiva will take all reasonable steps to ensure that a data subject's personal information is not accessed by unauthorized personnel.

11.5.3 Staff and sub-contractors are required to enter into non-disclosure agreements with Kutitiva.

#### **10.5. Specific Purpose Collection of Information**

10.5.1. Personal Information will only be collected for a specific, explicitly defined, and lawful purpose by Kutitiva related to the function, service offering or activity of the responsible party. The data subject will be made aware of the purpose of the collection.

10.5.2 Personal information will only be collected to enable Kutitiva to render services to students/clients.

10.5.3 Kutitiva may from time to time request certified copies of documents. The reason Kutitiva requires certified copies is to ensure that the original documents or ID books/cards and other forms of identification and FICA documents are genuine. This is to avoid fraud, where any person can make up certificates and documents on a computer that looks real. A certified copy also avoids the owner of important documents (especially identity documents) giving up possession of those documents which might mean a risk of their loss or damage.

#### **10.6. Rights of Data Subjects**

10.6.1. Where appropriate, Kutitiva will ensure that all data subjects are made aware of the rights conferred upon them in terms of section 5 of POPIA. When a minor turns 18, the rights belong directly to him or her, unless it is stipulated to the contrary in other legislation.

10.6.2. The rights are as follows:

- a) to be notified that personal information about him, her or it is being collected as provided for in terms of section 18 of POPIA or his, her or its personal information has been accessed or acquired by an unauthorized person as provided for in terms of section 22 of POPIA;
- b) to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information as provided for in terms of section 23 of POPIA;
- c) to request, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24 of POPIA;
- d) to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information as provided for in terms of section 11(3)(a) of POPIA;

- e) to object to the processing of his, her or its personal information at any time for purposes of direct marketing in terms of section 11(3)(b) of POPIA; or
- f) to object to processing of his, her or its personal information at any time for purposes of direct marketing in terms of section 11(3)(b) of POPIA or in terms of section 69(3)(c) of POPIA;
- g) not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1) of POPIA;
- h) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person as provided for in terms of section 71 of POPIA;
- i) to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74 of POPIA; and
- j) to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99 of POPIA.

#### **10.7. A Word of Caution to Parents/Guardians/Caregivers**

10.7.1. While laws apply to what Kutitiva and third parties can disclose about students, they do not apply to what students or their parents might disclose publicly, which means the parent and the child also have a responsibility to protect the child's privacy. What a parent and or his/her child posts on social media, for example, could be used by others, including private companies and law enforcement in some cases, and is not protected by POPIA.

10.7.2. Parents and students must understand and use the privacy tools on any website or app that Kutitiva or they use for Kutitiva or at home to limit who can view or access their information (that includes having strong, secure and unique passwords and be sure to never post anything online that they wouldn't want to be shared with others, including law enforcement, Kutitiva, tertiary institutions and current or future employers).

#### **10.8. Processing of Information by using Automated and Non-automated Means**

10.8.1. POPIA applies to the processing of any personal information by Kutitiva that has been entered into a record by or for Kutitiva as the responsible party by using automated and non-automated means.

10.8.2. This is subject to the proviso that when the recorded personal information is processed by any non-automated means, the record must form part of a filing system or is intended to form part of a filing system.

#### **10.9. General Description of Information Security Measures**

Kutitiva uses up to date technology/software to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- a. Firewalls.
- b. Virus protection software and update protocols.
- c. Logical and physical access control.
- d. Secure setup of hardware and software making up the IT infrastructure.
- e. Outsourced third party service providers are contracted to implement security controls on a regular basis.

#### **10.10. The POPI Act' Conditions for Lawful Processing of Information Adhered to by Kutitiva**

- 10.10.1. POPIA includes eight conditions for lawful processing including:
  - a. Accountability.
  - b. Processing limitation.
  - c. Purpose specification.
  - d. Further processing limitation.
  - e. Information technology (quality).
  - f. Openness.
  - g. Security safeguards.
  - h. Data subject participation.
- 10.10.2. Kutitiva has the responsibility of ensuring the POPIA conditions are in place before processing data. Kutitiva will also ensure compliance both when deciding to process data and during the processing of the data.
- 10.10.3. Kutitiva will:
  - a. Process data in a way that does not risk the data subject's privacy.
  - b. Process only relevant data with a given purpose.
  - c. Obtain the consent from the data subject before processing (and keep proof of consent).
  - d. Protect the legitimate interest of the data subject.
  - e. Allow data subjects to object to processing and/or withdraw consent at any time;
  - f. Discontinue the processing of data after an objection or withdrawal of consent received for a data subject.
- 10.10.4. Personal information will be collected directly from the data subject except for in specific circumstances. The only time Kutitiva can collect data from a third-party source is if the data is a public record or is deliberately made public or if Kutitiva has the consent to do so or if doing so does not violate the legitimate interest of the data subject. There are no exceptions for those working in Kutitiva with the processing of data.
- 10.10.5. Kutitiva will collect information only for a "specific, explicitly defined and lawful purpose" related to one of Kutitiva's normal activities. Kutitiva will ensure that data subjects are aware of that purpose. Kutitiva will not retain records indefinitely. Once Kutitiva no longer needs a record for the processing purpose,

it no longer has a right to keep the data unless required by law (civil, penal, contract, or other law). Kutitiva will destroy, delete or de-identify the record as soon as practical. The said process will render the data irretrievable.

- 10.10.5. Kutitiva will only process data in ways compatible with the purpose of the data it is needed for, and it will ensure the data collected and subsequently processed is accurate and complete. Kutitiva will only further process data if:
- a. The data subject consented.
  - b. The information came from the public record.
  - c. The law requires further processing.
  - d. The processing is related to national security.
- 10.10.6 Kutitiva will maintain strict documentation of all the processing activities it undertakes and we will inform data subjects when it collects information and whether the collection of data by Kutitiva from a data subject is voluntary or mandatory.
- 10.10.7 Kutitiva shall ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:
- a. Identify all reasonably foreseeable risks to information security; and
  - b. establish and maintain appropriate safeguards against such risks. To meet these obligations, Kutitiva will perform a risk assessment tests, ensure the maintenance of safeguards, verify the effectiveness of the safeguards, and ensure new updates are provided to prevent new deficiencies or risks.
- 10.10.8 If Kutitiva believes its security is compromised. First, Kutitiva will notify the Regulator and the data subject (when possible) as soon as reasonably possible in writing by email, letter, a news article, or by publishing an alert on a prominent part of Kutitiva’s website
- 10.10.9. Written records will be kept secure:
- a. Personal Information records will be kept in locked cabinets, or safes.
  - b. When in use Personal Information records will not be left unattended in areas where non-staff members may access them.
  - c. Kutitiva shall implement and maintain a “Clean Desk Policy” where all staff shall be required to clear their desks of all personal information any kind when leaving their desks for any length of time and at the end of the day.
  - d. Personal Information which is no longer required will be disposed of by shredding and a record kept.
  - e. Any loss or theft of, or unauthorized access to, personal information will be immediately reported to the Information.
- 10.10.10. Electronic records of any kind will be kept secure:
- a. All electronically held Personal Information will be saved in a secure database.



- b. As far as reasonably practicable, no Personal Information of data subjects of Kutitiva will be saved on individual computers, laptops or hand-held devices.
- c. All computers, laptops and hand-held devices must be access protected with a password, fingerprint or with the password or screen finger scan being of reasonable complexity and changed frequently.
- d. All staff of Kutitiva shall implement and maintain a "Clean Screen Policy" where all employees shall be required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day.
- e. Electronic Personal Information which is no longer required must be deleted from the individual laptop, handheld device or computer and the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable.

## **11. DATA OF CHILDREN**

- 11.1. Kutitiva will not process children's personal information unless:
  - a. Kutitiva has the consent of a "competent person" (parent/guardian/caregiver/legal entity/authority).
  - b. It is necessary for obligations under POPIA and other legislation.
  - c. It is required for upholding international public law.
  - d. It is necessary for research purposes.
- 11.2. No staff member shall remove records in any format that are not available in the public domain from the premises of Kutitiva without the explicit permission of the Information Officer.
- 11.3. Kutitiva will process a "Data Subject's" personal information (in this case the personal information and related details of a parent/legal/guardian/caregiver and/or any enrolled student and/or any employee of Kutitiva and the GDE and/or any other person) in a lawful, legitimate and responsible manner.
- 11.4. In order to discharge this duty, Kutitiva requires the express and informed permission to process the Personal Information of a data subject or any other third party.
- 11.5. In the event of any data subject or third party or any other person, refusing to give the required consent, Kutitiva will still have the right, in terms of POPIA, to process such information without the mentioned consent under any of the following circumstances:
  - a. where such processing and use of personal information is necessary in order to give effect to a contractual relationship as between the person and Kutitiva.
  - b. where such processing is required in terms of a law.
- 11.6. In terms of the Children's Act, any person, including professionals who work with children, must immediately report to the director of Kutitiva, SAPS and/or Social Services any concerns regarding any child that might be at risk if they have reasonable grounds to suspect that a child is in need of protection.

## **12. POPIA AND E-MAIL USAGE**

- 12.1 Each Staff member within Kutitiva is provided with a Kutitiva email account to assist with their work for Kutitiva. This account is the primary way that staff members will communicate with parents and other colleagues and other agencies and entities.
- 12.2. The email account of a staff member, and any information contained in it including content, headers, directories and email system logs, remains the property of Kutitiva.
- 12.3 Although Kutitiva has systems in place to protect the integrity and safety of Kutitiva's electronic network, it must be noted that Kutitiva cannot guarantee the confidentiality of the information stored on any network device belonging to Kutitiva.
- 12.4 Bots may be used responsibly by Kutitiva to facilitate the receipt of e-mails and other messages on social media platforms to acknowledge receipt of e-mails and other electronic information received or to facilitate answering FAQs about Kutitiva on its website and other social media platforms.

## **13. PHOTOGRAPHS/IMAGES/VIDEOS OF STUDENTS**

- 13.1. Photographs, other images and sound recordings are often taken of students and tutors to monitor participation. Any photograph of one or more identifiable individual(s) is considered to be personal information.
- 13.2. Kutitiva is permitted to collect personal information, including photographs, where it is necessary to the proper administration of a lawfully authorized activity, but the photographs/ images may not be released to a third party unless a parent's consent was obtained.
- 13.3. The collection of student photographs is considered necessary to the operation of Kutitiva (a lawfully authorized activity because, for example, photographs are used for ID cards, access cards and/or to enable staff to identify students, provided the records are kept confidential).
- 13.4. If Kutitiva uses a professional photographer, the Information officer is still ultimately responsible for the security and confidentiality of the students' personal information/image.
- 13.5 Any service agreements with third-party vendors must align with the provisions of POPIA. Their contracts should clearly describe the administrative, physical and technical safeguards to protect personal information and the obligation to destroy any images if not handed over to Kutitiva for safekeeping.
- 13.6 The permission of parents may be obtained for the use of photographs for other purposes such as annual photo's for parents or the website, the media or promotional purposes, provided that children at risk are not shown or their images pixelated.
- 13.7. Images and any other videos of students on Kutitiva's website will be disabled so that it cannot be copied or downloadable.

## **14. POPIA COMPLAINTS PROCEDURE**

- 14.1. Complaints may be filled via email to Kutitiva at email: [info@retrain.co.za](mailto:info@retrain.co.za)
- 14.2. Where a POPIA complaint or a POPIA infringement investigation has been finalised, Kutitiva may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any noncompliant activity outlined within this policy.

- 14.3. In the case of ignorance or minor negligence, Kutitiva will undertake to provide further awareness training to the employee.

**15. PERSONAL INFORMATION AND RECORDS HELD BY KUTITIVA OF DATA SUBJECTS MAY INCLUDE:**

- a) Name and Surname;
- b) ID number;
- c) Date of Birth;
- d) Gender;
- e) Race;
- f) Physical address and contact details;
- g) Medical and health information and, where necessary, a medical report from medical doctor/physician/specialist/psychologist;
- h) If applicable, records regarding a disability and police clearance certificates;
- i) Home Language;
- j) Cell number;
- k) Email address.
- l) Certified copies of supporting documents relating to the above;
- m) Promotion and assessment records.
- n) Extra mural and Co-curricular records.
- o) Behavioral records.
- p) Photographs of students;
- q) Biometrics of students.
- r) Special education records.
- s) Consent forms from parents for student activities and documents pertaining to primary residence and guardianship;
- t) Videos and voice recordings where applicable for assessment and participation purposes;
- u) State-administered assessment results, including participation information, courses taken and completed, credits earned, academic grades, and other transcript information.
- v) Grade level/Year and anticipated year of matriculating or completing school.
- w) Attendance records and transfer information;
- x) Marital status;
- y) Bank account details, financial records and credit information.
- z) Correspondence and any other documents and / or information required by Kutitiva to execute its duties in terms of any contract entered into with the data subject.

**15. AMENDMENTS**

Modifications and updates to this policy manual and other information-sharing policies, legislation, or guidelines will be brought to the attention of all staff and will be made available to data subjects affected by the amendments.