



SANTS
PRIVATE HIGHER EDUCATION INSTITUTION
TAKING EDUCATION TO THE PEOPLE

PRIVACY POLICY

Policy Information Page

The following information to be completed by the policy owner/custodian:	
Title	Privacy Policy
Approving authority	Managing Director
New or revised policy	Revised
Last date of approval	2024-08-02
Stakeholders consulted	Managing Director Adams & Adams Head: Academic Quality Enhancement HR OnSite Marketing and Communications Manager
Policy Management	
Policy Owner	Managing Director Mr Ryan O'Mahoney
Policy co-owners	Executive Academic Director Prof Ina Joubert Senior Student Affairs and Policy Officer Ms Melinda Joubert
Compliance to	Applicable to: SANTS staff SANTS students Any individual who discloses personal information to SANTS
Cross-reference	N/A
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Reviewed by a legal resource	Yes/No

Glossary of terms and abbreviations

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
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;
Consent	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information
Data subject	means the person to whom personal information relates
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; or (b) requesting the data subject to make a donation of any kind for any reason;
PAIA	Promotion of Access to Information Act, 2 of 2000
Person	A natural person or a juristic person
Personal information	Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: <ul style="list-style-type: none"> 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 other particular assignment to the person; d) the biometric information of the person; e) the personal opinions, views or preferences of the person; f) 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.
POPIA	Protection of Personal Information Act, 2013
Record	means any recorded information— <ul style="list-style-type: none"> a) regardless of form or medium, including any of the following: <ul style="list-style-type: none"> i. Writing on any material; ii. information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; iii. label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means; iv. book, map, plan, graph or drawing; v. photograph, film, negative, tape or other 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; b) in the possession or under the control of a responsible party; c) whether or not it was created by a responsible party; and d) regardless of when it came into existence;
SANTS	SANTS Private Higher Education Institution Pty. Ltd.

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1. Introduction and purpose

The purpose of this policy is to keep personal information safe and comply with all relevant data protection regulations, including the Protection of Personal Information Act (POPIA). The policy aims to ensure transparency, security, privacy rights, data minimisation and use limitation.

2. Policy and legislative context

This document complies with the following government policies:

- i. Constitution of the Republic of South Africa, 1996;
- ii. Higher Education Act, 101 of 1997;
- iii. Regulations for the Registration of Private Higher Education Institutions, 2016;
- iv. Protection of Personal Information Act, 4 of 2013; and
- v. Promotion of Access to Information Act, 2 of 2000.

3. Conditions for the lawful processing of personal information

The POPIA includes eight conditions for lawful processing of personal information in general:

- i. Accountability
- ii. Processing limitation
- iii. Purpose specification
- iv. Further processing limitation
- v. Information technology quality
- vi. Transparency
- vii. Security safeguards
- viii. Data subject participation

The POPIA also prescribes conditions for the processing of special personal information and the processing of personal information of children.

4. Accountability, roles and responsibilities

The duties and responsibilities of the information officer must be performed in accordance with section 55 of the POPIA and the designation of deputy information officers and delegation of duties and responsibilities to them must be performed in accordance with section 56 of the POPIA and section 17 of the PAIA.

SANTS' Information Officer is the Chief Compliance Officer and is registered with the Information Regulator.

The information officer may prescribe procedures relevant to the implementation of this policy, including for:

- i. collection of information;
- ii. processing of information;
- iii. storage of information;

- iv. disposal of information;
- v. anonymisation;
- vi. incident planning and response;
- vii. procedures for operational privacy impact assessments;
- viii. the types of personal information SANTS must collect and maintain for its purposes.

The information officer may establish a framework for the classification of information for the purposes of maintaining the required level of protection of personal information.

Responsibility for the day-to-day administration of and compliance with this policy is the responsibility of Departmental managers/Academic Heads/Unit Heads.

All employees have the responsibility to adhere to the relevant information governance policies and procedures.

All students have a responsibility to protect personal information and to adhere to the relevant information governance policies and procedures.

5. Processing limitation

The processing limitation places strict controls on what it means to lawfully process data. To meet the condition data processors must:

- i. Process data in a way that does not risk the data subject's privacy.
- ii. Process only relevant data with a given purpose.
- iii. Obtain the consent from the data subject or a competent person where the data subject is a child before processing (and keep proof of consent).
- iv. Protect the legitimate interest of the data subject.
- v. Allow data subjects to object to processing and/or withdraw consent at any time
- vi. Discontinue the processing of data after an objection or withdrawal of consent received for a data subject.
- vii. The processing limitation also provides a unique stipulation that personal information must be collected directly from the data subject except for in specific circumstances. The only time SANTS can collect data from a third-party source is if the data is a public record or is deliberately made public or if SANTS 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 within SANTS with the processing of data.

6. Purpose specification

Personal Information must be collected for a specific, explicitly defined, and lawful purpose by SANTS related to the function or activity of the responsible party. The data subject must be made aware of the purpose of the collection.

Where appropriate, SANTS 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.

6.1. Rights of data subjects

The rights of data subjects are as follows:

- i. 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 unauthorised person as provided for in terms of section 22 of POPIA;
- ii. 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;
- iii. 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;
- iv. 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; 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 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 in terms of section 69(3)(c) of POPIA;
- v. 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;
- vi. 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;
- vii. 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 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.

6.2. Retention of records

SANTS must ensure that personal information of a data subject is retained only for as long as needed to fulfil the purpose for which it was collected. If personal information is no longer required for any reason, SANTS is obligated to follow approved and documented procedures to destroy, delete, or de-identify the information in a manner that renders it permanently irretrievable.

7. Further processing limitation

The “Further Processing Limitation”, elaborates on how SANTS can and can't process data. To be noted is that SANTS must only process data in ways compatible with the purpose of the data it is needed for.

The POPIA requires SANTS to consider the relationship between further processing and the original purpose, the nature of the information, potential consequences of further processing, how SANTS collected the data, and any contractual rights.

SANTS can further process data if:

- i. The data subject consented.
- ii. The information came from the public record.
- iii. The law requires further processing.
- iv. The processing is related to national security.

8. Information quality

SANTS will take reasonable steps to ensure the data collected and subsequently processed is of a good quality.

For information to be considered to be of a 'good quality' it has to be:

- i. complete;
- ii. accurate;
- iii. not misleading; and
- iv. updated when necessary.

9. Transparency

Transparency refers to SANTS' responsibility under the PAIA that SANTS must maintain strict documentation of all the processing activities it undertakes. Additionally, SANTS has to inform data subjects when it collects information.

Data subjects should be aware:

- i. Under which circumstances SANTS collects information
- ii. When SANTS doesn't collect information.
- iii. The source of the SANTS' information
- iv. SANTS' address and contact details.
- v. Why SANTS collects the data

10. Security safeguards

SANTS uses up to date technology and software to ensure the confidentiality, integrity and availability of the Personal Information under its care.

Security measures include:

- i. Firewalls
- ii. Virus protection software and update protocols
- iii. Logical and physical access control
- iv. Secure setup of hardware and software making up the IT infrastructure
- v. An outsourced third party service provider is contracted to implement security controls on a regular basis.

11. Data subject participation

Data subject participation describes the rights of a data subject. In terms of POPIA, the data subjects have access to their personal information, including taking note of what information SANTS has and the option to ask for a description or record.

The data subject also has the right to request corrections to his/her record when the data is out of date, incomplete, inaccurate, excessive, or obtained unlawfully.

Upon receiving the request, SANTS must adhere to the request within a reasonable timeframe.

SANTS has the option to decline when it falls within its rights as stated in Chapter 4 of the law.

12. Processing of special personal information

Condition 8 also has several parts. Part B refers to the prohibition of processing of special personal information (including religious beliefs, health information, biometric information, etc.) or criminal behaviour.

The only exceptions that apply include:

- i. If the data subject provided consent.
- ii. If processing is necessary for establishing a defence of a right.
- iii. If processing is required for fulfilling obligations under international public law.
- iv. If processing is in the public interest.
- v. If the data is already in the public domain.
- vi. If processing involves historical research, or statistical purposes (within the public interest or if asking consent is impossible or close to impossible).

POPIA puts significant emphasis on these special categories of information and each type of data has a list of exemptions. If SANTS has to process a protected type of data, it should directly seek legal advice.

13. Processing of personal information of children

SANTS may not process personal information concerning a child unless the processing is:

- i. carried out with the prior consent of a competent person;
- ii. necessary for the establishment, exercise or defence of a right or obligation in law;
- iii. necessary to comply with an obligation of international public law;
- iv. for historical, statistical or research purposes to the extent that:
 - a) the purpose serves a public interest and the processing is necessary for the purpose concerned; or
 - b) it appears to be impossible or would involve a disproportionate effort to ask for consent,

- c) and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the child to a disproportionate extent; or
- v. of personal information which has deliberately been made public by the child with the consent of a competent person.

14. Research activities

SANTS must ensure that its research activities comply with the provisions of the POPIA if it involves identifiable personal information.

15. Cross-border transfer of information

SANTS may provide personal information outside of South Africa, subject to the restrictions provided for in South African and foreign legislation.

16. Direct marketing

Prospective students, applicants, registered students and alumni will have the ability to 'opt-in' or 'opt-out' to an opportunity if they wish to be contacted or involved further.

The data subject will always be able to unsubscribe in subsequent communications.

17. Privacy Impact Assessments (PIAs)

SANTS must develop privacy impact assessments and procedures to ensure that the assessments are performed.

18. Awareness and training

SANTS must develop an internal POPIA training programme and require all employees to attend compulsory internal POPIA training sessions and ensure that employees are made aware of the regulations, policies and procedures continuously.