



Rivonia Primary School PAIA Manual

Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 ("PAIA"). PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. RPS is a public school, and this Manual contains the information specified by PAIA. This Manual aims to assist Requesters in requesting access to information (documents, records and/or Personal Information) from RPS as contemplated in PAIA.

This Manual may be amended from time to time, and once amendments have been affected, the latest version of this Manual will be distributed and published in accordance with PAIA. A Requester is invited to contact the RPS Information Officer should he/she require any assistance with the use or content of this Manual.

Definitions

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:–

- "Data Subjects" means the natural or juristic person/s to whom Personal Information relates;
- "Group Information Officer" means the person acting on behalf of RPS and discharging the duties and responsibilities assigned to the head of RPS by PAIA. The Group Information Officer is duly authorised to act as such, and the head of RPS has confirmed such authorisation in writing;
- "Information Regulator" shall bear the meaning ascribed thereto in POPIA;
- "Manual" means this manual published in compliance with Section 51 of PAIA, together with all annexures thereto;
- "Minister" means the Minister of Justice and Correctional Services;
- "Personal Information" has the meaning ascribed thereto under POPIA;
- "Personnel" means any person who works for or provides services to or on behalf of RPS receives and/or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;
- "POPIA" means the Protection of Personal Information Act 4 of 2013, together with any regulations published thereunder;



- "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including – and/or the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; and/or dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or and/or merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, "Process" has a corresponding meaning;
- "Record" means any recorded information, regardless of form or medium, which is in the possession or under the control of RPS, irrespective of whether RPS created it;
- "Request" means a request for access to a Record of RPS;
- "Requester" means any person, including a public body or an official thereof, making a Request for access to a Record of RPS and includes any person acting on behalf of that person and
- "Third Party" means any independent contractor, agent, consultant, sub-contractor or another representative of RPS.

Unless a contrary intention clearly appears, words signifying:-

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa, and
- natural persons include juristic persons.

The terms defined in PAIA shall have the same meaning as those in this manual.

Overview of RPS

RPS is a public school in Gauteng, South Africa.

This Manual only applies to RPS. Copies of this PAIA manual can be requested from the front office.

Contact Information

The Group Information Officer of RPS is the person to whom Requests for access to Records should be addressed. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of PAIA as well as section 56 of POPIA. This is in order to render RPS as accessible as is reasonably possible for Requesters of its records and to ensure the fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the POPIA. All Requests for information in terms of this Act must be addressed to the Information Officer.



The Group Information Officer's contact details are listed below:

Mrs Carol Drysdale

011 803 1649

How to access the Guide in terms of Section 10 of the Act

The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA. The Guide is available in each of the official languages.

How to Request Access

PAIA grants a Requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request in terms of PAIA, the public body must be acting in the public interest. POPIA provides that a Data Subject may, upon proof of identity, request RPS to confirm, free of charge, all the information it holds about the Data Subject. POPIA provides that a Data Subject may object, at any time, to the processing of personal information by RPS on reasonable grounds relating to his/her particular situation unless legislation provides for such processing.

Requests in terms of PAIA shall be made to the front desk of the RPS School.

Tracey Krauss, PA to school principal: tkrauss@rivoniaprimar.co.za, 011 803 1649

The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester. The Requester should also indicate which form of access is required and specify a postal address in the Republic or an email address. The Requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed (see s53(2)(a) and (b) and (c) and (e) of PAIA).

Grounds for Refusal of Access

RPS may and must, in certain instances, refuse access to Records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. Requests for access by a Requester must be refused by the Group Information Officer if –

- a. the disclosure would involve the unreasonable disclosure of personal information about a third party (natural person), including a deceased individual (see section 63 of PAIA);



- b. the record contains (a) trade secrets of a third party, (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or to prejudice that third party in commercial competition (see section 64 of PAIA);
- c. the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement (see section 65 of PAIA);
- d. the disclosure could reasonably be expected to endanger the life or physical safety of an individual (see section 66(a) of PAIA);
- e. the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege (see section 67 of PAIA); or
- f. the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose: (a) the third party; (b) a person who is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage (see section 69 of PAIA).

Requests for access by a Requester may be refused by the Information Officer if –

1. the disclosure would be likely to prejudice or impair:

(i) the security of:

(aa) a building, structure or system, including, but not limited to, a computer or communication system;

(bb) a means of transport; or

(cc) any other property; or

(ii) methods, systems, plans or procedures for the protection of:

(aa) an individual in accordance with a witness protection scheme;

(bb) the safety of the public, or any part of the public; or

(cc) the security of property contemplated in subparagraph (i) (aa), (bb) or

(cc) (see section 66(b) of PAIA);

Remedies Available to Requestor on Refusal on Access

The decision of the Information Officer or deputy Information Officer is final.

A requester aggrieved by a decision of the Information Officer to refuse a request for access may, within 180 days of the Information Officer's decision, submit a complaint to the Information Regulator in the prescribed manner and form (see section 77A of PAIA).

Alternatively, a requester is entitled to apply to a court of competent jurisdiction for appropriate relief (see section 78 of PAIA).



Information available on POPI

Categories of Personal Information collected by RPS and RPS may collect information relating to an identifiable, living, natural person, and where it is applicable, an 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 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 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.

The purpose of processing personal information In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed by RPS will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

RPS will retain Personal Information only for as long as is necessary to accomplish its legitimate business purposes or for as long as may be permitted or required by applicable law.

Categories of data subjects

RPS collects Personal Information directly from the Data Subject and/or from Third Parties and where RPS obtains Personal Information from Third Parties, RPS will ensure that it obtains the consent of the Data Subject to do so, or will only Process the Personal Information without the Data Subject's consent where RPS is permitted to do so in terms of the applicable laws.



RPS Processes Personal Information of the following categories of Data Subjects:

- Parents/Guardians/Children of RPS;
- Employees / Personnel of RPS;
- independent contractors of RPS;
- suppliers of RPS; and
- any third party with whom RPS conducts business.

Categories of recipients to whom Personal Information may be supplied.

Depending on the nature of the Personal Information, RPS may supply information or records to the following categories of recipients:

- a. statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- b. any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
- c. South African Revenue Services or another similar authority;
- d. anyone making a successful application for access in terms of PAIA or POPIA; and
- e. subject to the provisions of POPIA and other relevant legislation, RPS may share information about Data Subject's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which RPS operates.

Information or Records not found.

If all reasonable steps have been taken to find a Record, and such a Record cannot be found and/or the Records do not exist, then RPS will notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested Record.

The affidavit or affirmation will provide a full account of all the steps taken to find the Record or to determine the existence thereof, including details of all communications by RPS with every person who conducted the search. If the Record in question should later be found, the Requester shall be given access to the Record in the manner stipulated by the Requester unless access is refused by RPS as permitted by PAIA.

Information Requested by a Third Party

Where any information is requested from RPS that relates to a third party, RPS is required to notify the third party of the Request. The third party has an opportunity to grant his, her or its consent to the disclosure of the Record or to make representations as to why the requested Record should not be disclosed to the Requester. If RPS decides to grant access to the Record, it will notify the affected third party again. The third party is entitled to apply to court in relation to that decision. The court will then determine whether the Record should be disclosed by RPS or not.