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To: Deputy Directors-General, Chief Directors, Directors (Head Office and district offices), Deputy Directors, Chief Education Specialists, Heads: Curriculum Support, Heads: Management and Governance, Circuit Managers, Deputy Chief Education Specialists, Subject Advisers, Principals of public schools and Chairpersons of governing bodies

Short summary: *Privacy Policy template for public schools in terms of the Protection of Personal Information Act, 2013 (Act 4 of 2013).*

**Subject: Privacy Policy template for public schools in terms of the Protection of Personal Information Act, 2013 (Act 4 of 2013)**

1. The Protection of Personal Information Act (POPIA), 2013 (Act 4 of 2013), came into operation on 01 July 2021 and the one-year grace period for implementation expired on 30 June 2021.
2. The purpose of the POPIA is to—
  - 2.1 give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at—
    - a) balancing the right to privacy against other rights, particularly the right of access to information; and
    - b) protecting important interests, including the free flow of information within the Republic of South Africa and across international borders;
  - 2.2 regulate the manner in which personal information may be processed, by establishing conditions, in harmony with standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
  - 2.3 provide persons, with rights and remedies, protection of their personal information; and

- 2.4 establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by the Act.
3. Responsible parties such as principals, as information officers, of public schools are now required by law to protect personal information of data subjects from the unlawful collection, retention, dissemination and use of personal information.
4. The Western Cape Education Department has drafted the attached Privacy Policy template to assist principals of public schools when formulating the school's Privacy Policy, to ensure that the school:
  - 4.1 complies with the POPIA;
  - 4.2 protects the rights of data subjects as defined;
  - 4.3 is transparent about how it stores and processes personal information of data subjects; and
  - 4.4 protects the school and the data subjects' rights from the risks of a security breach.
5. Kindly ensure that the content of this circular is brought to the attention of all concerned.

**SIGNED:** B WALTERS

**HEAD: EDUCATION**

**DATE:** 2021-12-21