



## POPIA PRIVACY NOTICE

### INTRODUCTION

This privacy notice has been adopted as part of the Personal Information Protection Compliance Framework of United Herzlia Schools ("Herzlia"/"the School"/"UHS"/"we"/"us"), in terms of the Protection of Personal Information Act 4 of 2013 ("POPIA").

This policy applies to you by visiting our website; being a current, past student or parent of any school under United Herzlia Schools umbrella; a potential student or parent who has requested the services we provide or a donor. By accepting this policy, you are deemed to have read, understood, accepted, and agreed to be bound by all of its terms.

During your interactions with us, it may happen that we need to process some information about you, or your child which may constitute personal information for purposes of POPIA, which may include accessing it, storing it, merging it with other information, deleting or destroying it, and possibly sharing it with third parties.

In terms of section 18 of POPIA we are required to bring to your attention certain matters relating to the collection of your personal information, which we set out in this document. **By interacting with Herzlia and providing your personal information to us, you acknowledge that you have read and understood this notice and have agreed to the contents hereof. You furthermore authorize us to take any of the actions described herein insofar as your personal information, or that of your child, is concerned.**

### TERMS USED IN THIS NOTICE

Below is a list explaining some of the commonly used terms in this privacy notice:

<b>Data Subject</b>	The person whose personal information is being processed by or on behalf of Herzlia.
<b>Information Officer</b>	The person internally tasked with ensuring compliance by the Responsible Party, provided that such role may have been delegated to one or more Deputy Information Officers.
<b>Information Regulator</b>	The office established in terms of POPIA to oversee the implementation of, and compliance with POPIA.
<b>PAIA</b>	The Promotion of Access to Information Act 2 of 2000.

<b>Personal Information</b>	Any information that pertains to an identifiable Data Subject. POPIA lists many examples. These include things like contact information, information about a person's identity, health, religion, education, employment, biometric data, etc.
<b>POPIA</b>	The Protection of Personal Information Act 4 of 2013.
<b>Processing</b>	The actions taken in respect of Personal Information by the Responsible Party or on their behalf. This includes most forms of interaction with the records containing such information, such as creating new records, transmitting information, storing it, updating it and deleting or destroying it.
<b>Operators</b>	Third party service providers who process personal information on behalf of Herzlia.
<b>Responsible Party</b>	The person who decides the reason and means by which personal info will be processed. In the context of this privacy notice, Herzlia is the Responsible Party.
<b>Special Personal Information</b>	Certain types of personal information are classified as "special", which means in most cases that their processing is restricted and subject to additional requirements. Most relevant for the purposes of this privacy notice is information relating to children. Other categories that are classified as "special" include information about a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal record.
<b>The Herzlia Foundation Trust</b>	The trustees for the time being of the Herzlia Foundation Trust (Masters reference number: IT3286/2011, a registered PBO formed to fundraise in support of United Herzlia Schools, as its sole beneficiary. It is also the home for Herzlia Alumni, Friends and Benefactors. The Trustees have appointed United Herzlia Schools to manage their day to day affairs.

## WHAT POPIA REQUIRES OF HERZLIA

This privacy notice constitutes Herzlia's commitment to uphold the following conditions when working with your Personal Information:

### ACCOUNTABILITY

We are committed to fulfilling our requirements in respect of implementing POPIA at Herzlia. This includes:

- Encouraging compliance within Herzlia.
- Handling information requests.
- Co-operating with the Information Regulator if there is an investigation or query.
- Taking such other measures as may be prescribed by regulation.

### LIMITATIONS ON PROCESSING

This condition is aimed at ensuring that processing of Personal Information is as limited as possible, with reference to the purpose for which it is processed. It requires that:

- Processing must be done in a lawful manner (i.e. comply with POPIA or other applicable laws) and in a reasonable manner, which does not unreasonably infringe on the Data Subject's privacy.
- The extent of the Personal Information that is processed must be limited to such information as is relevant, adequate and not excessive in relation to the reason for processing the information.
- Personal Information may be processed, if necessary, in order to provide a service to a Data Subject, or if they consent to its processing. The Data Subject may withdraw this consent, but it may then become impossible to provide them with services.
- Lastly, as far as reasonably possible, Personal Information must be collected directly from the Data Subject to whom it pertains and not from third parties, although this is subject to other applicable laws (e.g. FICA), which may require verification with third parties.

## **REASONS FOR PROCESSING**

This condition relates to the purpose for which personal information is being processed. In most cases, a Responsible Party must explain to the Data Subject, what their reason is for needing the information and what they are going to use it for.

To share certain Personal Information (such as name, contact details, and year of matriculation) of parents and alumni with fundraising bodies for purposes such as research, analytics, community planning, security and event planning; and fundraising on behalf of Herzlia. This sharing is based on the legitimate interests of Herzlia.

## **QUALITY OF INFORMATION**

A Responsible Party is required to take "reasonably practicable" steps to ensure that the information it processes is complete, accurate, not misleading and updated where necessary, with reference to the purpose for which the information is being processed. In other words, reasonable systems must be put in place to make it as simple and easy as possible to keep information accurate and up to date.

## **NOTICES AND COMMUNICATION**

This condition relates to communication and notifications to Data Subjects, which helps them to understand what their information is being used for and how to exercise their rights in respect of their information. That is the purpose of this privacy notice.

## **SECURITY**

A Responsible Party is required to take "appropriate, reasonable technical and organisational measures" to prevent loss, damage, unauthorized destruction and unauthorized access to or processing of personal information.

Where a Responsible Party allows information to be processed by an Operator on its behalf, it is required to have a written contract with such Operator, wherein the Operator agrees to comply with the same security requirements as the Responsible Party.

In the event of a suspected data breach, a Responsible Party is required to notify the Information Regulator, as well as Affected Data Subjects.

## **PARTICIPATION**

This condition relates to a Data Subject's rights to access Personal Information about them and to request corrections, deletion or destruction thereof. The manner in which information may be requested is actually not regulated by POPIA, but by PAIA, which is why POPIA requires responsible parties to prepare or update their PAIA manuals.

## **PROCESSING OF PERSONAL INFORMATION AT HERZLIA**

### **INFORMATION THAT WE PROCESS**

We process various types of information relating to various Data Subjects, which will differ depending on your relationship with Herzlia.

Please refer to **Schedule I** of this notice for a breakdown of the Personal Information commonly processed by Herzlia.

### **HOW WE PROCESS IT**

We process personal information by way of digital and physical means. Certain information is processed only by digital means – especially if it was provided to us only in a digital format or using one of our digital platforms – and is subject to the safeguards contained in our IT policies. Other information is captured manually by way of standard application forms. These records are kept in physical format and secured physically, in accordance with the Data Protection Policy. Such information is also captured digitally and stored on our digital infrastructure in accordance with the provisions of our IT security policies.

### **REASONS FOR PROCESSING PERSONAL INFORMATION AND CONSEQUENCES OF NOT DOING SO**

The proper functioning of Herzlia as an independent school requires us to process certain personal information. This could be for any of the following reasons:

- To provide the educational services, extra-mural activities, functions and events, sports and related services forming part of the ordinary course of the operations of an independent school.
- To provide employment to our employees and to interact with them in the context of the employment relationship.
- To engage with parents of students currently enrolled at the school, or with prospective parents and their children, or with past students, in the context of the operations of the school.
- To market Herzlia to the existing school community and to prospective parents and students.
- To procure services and manage relationships with service providers.
- To provide legally required academic and statistical information to Government and other relevant oversight bodies.
- Any other reason which is integral to our functioning properly as an independent school.

**If requested Personal Information is not provided to us, we may not be able to properly fulfil the above-mentioned functions, which may result in the relevant interaction being**

**interrupted, or Herzlia not engaging in such interaction at all, in the sole discretion of Herzlia. We accept no responsibility for any such interruptions if Personal Information was requested by us but not provided.**

## **WHERE WE MAY OBTAIN YOUR PERSONAL INFORMATION FROM**

In most cases, we will request your personal information directly from you. However, in some cases we may need to obtain it from third parties. This will be the case if you have authorized us to do so – for example, or where the nature of our interaction with you reasonably requires us to do so. If we process your personal information on behalf of a third party – for example where your spouse or your parent have provided us with such information – then we do so on their express authorisation and on the understanding that they have obtained your consent, or that they have the legal authority to provide us with your Personal Information.

We may also be legally required to independently verify some of the information provided to us in terms of applicable anti-terrorism and anti-money laundering legislation (including, but not limited to, the Financial Intelligence Centre Act 38 of 2001, as amended), which may include our accessing government or public directories in order to obtain certain personal information about you.

In some cases, especially if you are an organisation, we may need to obtain personal information relating to third parties (such as your office bearers or employees) from you. You hereby warrant that you have the express and informed consent of such third parties to provide us with any such information and indemnify us against any liability to such third parties, or any other party, as a result of a lack of such authorization.

We may carry out credit checks and you hereby consent to our requesting and obtaining credit information pertaining to you from any reputable credit reporting agency or institution for the purpose of concluding any enrolment contract with you.

If you are a parent or legal guardian of a student who is younger than 18, you hereby consent to our processing the Personal Information of your child for the reasons set out above. If you are a student whose parents previously consented to our processing of your Personal Information and you have subsequently turned 18, you hereby confirm that your parents' previous consent remains valid, unless you specifically withdraw your consent.

Where we need to process information classified as “special” personal information (e.g. medical information or information relating to children) for any of the reasons specified above, you hereby consent to our processing of such special personal information.

## **SHARING OF YOUR PERSONAL INFORMATION WITH THIRD PARTIES**

We may need to share your Personal Information with third parties. In general, this is limited to transmitting or storing such information through, or on, electronic communication and storage infrastructure administered by third party service providers, which is subject to reasonable security safeguards. However, depending on the nature of our interaction with you, we may need to share some of your Personal Information with other third parties. For example, all schools are legally required to submit information about their students, exam results and similar information to Government for statistical purposes.

**Please note** that we may, with permission, share a student's information with the Herzlia Foundation Trust when the student matriculates. The Herzlia Foundation Trust is a separate legal entity to Herzlia and its processes Personal Information for its own benefit and that of its members. Any Personal Information that we share with The Herzlia Foundation Trust on your instructions are accordingly not processed by Herzlia or on our behalf and are subject to the custodianship and control of The Herzlia Foundation Trust. **We accordingly accept no responsibility for The Herzlia Foundation Trust's processing of your Personal Information.**

We periodically receive requests from prospective employers of our alumni for some of their school records. Where such records are still available, we may share such information with such prospective employers, with your permission. We will contact you in the event of receiving such a request.

Should you be in arrears with fees that are due and owing to us, we may share your contact, identity and financial information with our authorized representatives for purposes of recovering the debt due to us.

### **INFORMATION LEAVING THE COUNTRY**

We may need to transmit your Personal Information to a location outside of the country, where it may be processed by third parties. This may, for example, happen when we are communicating with you while you are not in the country. It may also happen where our backup infrastructure is located in, or administered from another country. In such cases, the transmission and processing of such information is subject to the provisions of s72 of POPIA, meaning that the third party to which we may transmit your information will either be subject to laws, or a contract with us, or corporate binding rules, which requires them to employ the same reasonable safeguards in respect of your Personal Information that we are required to comply with in terms of POPIA.

### **RETENTION OF YOUR PERSONAL INFORMATION**

In general, we only retain your personal information for the duration of our interactions with you and for a reasonable period thereafter, in order to facilitate further similar interactions. We are, however, in some cases legally required to keep certain information for specific periods of time, which usually does not exceed a period of 5 years. Please refer to **Schedule 2** of this policy for instances where specific retention periods apply.

Information that we retain for marketing or statistical purposes may be retained indefinitely, provided that you have authorised us to use the information for marketing purposes or, in the case of use for statistical purposes, that the information has been anonymized.

**Please note** that, as a school, we do retain Personal Information relating to important or historical school events, including significant sporting, cultural, academic and other achievements of our students, for an indefinite period, for historical and archival purposes, subject to Data Subjects' rights to ask us to destroy any Personal Information relating to them.

### **INFORMATION SECURITY**

As required by s19 of POPIA, the confidentiality and integrity of any Personal Information processed by us is subject to reasonable technical and organisational safeguards to prevent loss, damage, destruction

or unauthorised access, having due regard to generally accepted information security practices and procedures. We will notify you, and the Information Regulator, should we suspect that a data breach has occurred.

**We are not liable to you, or any other person, for any harm, loss, damage, destruction or unauthorized access that may occur despite our implementation of such reasonable safeguards.**

## **YOUR RIGHTS**

In terms of sections 23 and 24 of POPIA, you have the right to access, and to request us to correct, any personal information retained by us, subject to the provisions of those sections. Please refer to **Herzlia's PAIA manual**, for more information on the process to follow in this regard.

You furthermore have the right, in terms of section 11(3) of POPIA, to object to our holding of your personal information. Please refer to **Herzlia's PAIA manual**, for more information on the process to follow in this regard.

Should you wish to lodge a complaint, you may contact the office of the Information Regulator, whose contact details appear below.

## **CONTACT INFORMATION**

### **Information Officer**

Herzlia has appointed an Information Officer and a number of Deputy Information Officers in terms of s56 of POPIA, read with s17 of PAIA. The Information Officer should be the first point of contact for any queries regarding this framework or any of the policies contained herein. The Information Officer's details are as follows:

#### **Andries van Renssen**

Tel: 021 286 3452

Email: [popihotline@herzlia.com](mailto:popihotline@herzlia.com)

### **The Information Regulator**

The Information Regulator's office may be contacted for any queries regarding POPIA in general, or to lodge formal documentation. According to the Information Regulator's website, their contact details are as follows (this may change and you are advised to find their most up to date details on their website at [www.justice.gov.za/infoereg/](http://www.justice.gov.za/infoereg/))

Information Regulator

JD House

27 Stiemens Street

Braamfontein, Johannesburg 2001

## SCHEDULE I – TYPES OF PERSONAL INFORMATION PROCESSED BY HERZLIA

Subject	Category
Governance and legal records	Constitution of UHS; Trust Deed of The Herzlia Foundation Trust; Property title deeds; Names of Board of Governors, Trustees, Sub-committee members, Task team members, Directors; Policies; Minutes of meetings of the Board of Governors; Minutes of meetings of Committees; Annual General meeting minutes and Special resolutions passed at Annual General meetings; Records relating to the appointment of: Auditors; Leases; Agreements; Contracts with service providers; Registration documents for PBO, NPO, Western Cape Education Department; Legal and statutory records.
Financial Records	Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General account reconciliations; Invoices; Paid Cheques; Policies and procedures; Rental Agreements; Tax Returns.
Income Tax Records	PAYE Records; Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees; All other statutory compliances: VAT; Regional Services; Levies; Skills Development Levies; UIF; Workmen's Compensation.

Personnel Documents And Records	<p>Accident books and records; Address Lists;  Disciplinary Code and Records;  Employee benefits arrangements rules and records;  Pre-Employment data and Employment Contracts;  Employment Equity Plan;  Forms and Applications;  Grievance Procedures;  Leave Records;  Medical Aid Records;  Payroll reports/ Wage register;  Pension Fund Records;  Safety, Health and Environmental records;  Salary Records;  SETA records;  Registration records for SACE;  Standard letters and notices;  Training Manuals;  Training Records;  Workplace and Union agreements and records.</p>
Procurement Department	<p>Standard Terms and Conditions for supply of services and products;  Contractor, client and supplier agreements;  Lists of suppliers, products, services and distribution;  Policies and Procedures.</p>
Admissions Department	<p>Parent and pupil details;  Credit application information;  Information and records provided by a third party;  Financial Assistance forms for Bursary information.</p>
Marketing Department; The Herzlia Foundation Trust	<p>Advertising and promotional material;  Stakeholder contact addresses and email addresses of all members of the UHS, Parents, past Parents, Donors, Benefactors, Alumni, Honorary Life members, Trustees, Friends, Donors to The Herzlia Foundation Trust, Communal bodies and leadership, Staff.</p>
Risk Management and Audit	<p>Audit reports;  Risk management frameworks; and  Risk management plans.</p>
Safety, Health and Environment	<p>Complete Safety, Health and Environment Risk Assessment  Environmental Managements Plans, COVID compliance records and reports;  Inquiries, inspections, examinations by environmental authorities.</p>

IT Department	<p>Computer / mobile device usage policy documentation;  Disaster recovery plans;  Hardware asset registers;  Information security policies/standards/procedures;  Information technology systems and user manuals  Information usage policy documentation;  Project implementation plans;  Software  licensing;  System documentation and manuals.</p>
Schools	<p>Pupil Enrolment forms;  Pupil Records: Emergency Contact details, Permission slips, Pupil Census, Examination results, Assessment data, Educational records, Behavioural records, Health data, Special education needs information, Pictures, Attendance, Pupil work, Child protection files, Administration of Medicine, Accident records;  Trip/Excursion Information;  Parent details: Email records, Contact details;  Staff details including home address, email addresses, nationality; ID numbers, salary information, sex, ethnicity, medical records, religion, telephone numbers, spouse and dependents details, attendance, Pictures, medical history;  CCTV footage.</p>

## SCHEDULE 2 – SPECIFIC RETENTION PERIODS IN RESPECT OF CERTAIN INFORMATION

Information type	Retention period
	<b>The retention dates below will be confirmed in future updates</b>
Information relating to prospective employees	From application date to the date that a decision is made to hire or not and up to 1 year thereafter. Unsolicited CV's may be deleted or destroyed immediately upon delivery.
Employee records	For duration of employment and up to a maximum of 5 years thereafter.
Parent information	For the duration of our contract and up to a maximum of 5 years thereafter.
Service provider information	For the duration of our contract and up to a maximum of 5 years thereafter.
Information about students	For the duration of their school career and up to 5 years thereafter. Historically significant or achievement-related information may be archived for indefinite periods, for historical purposes. Academic information is stored by Government and the School has no obligation to keep such information indefinitely.
Financial records	As long as required in terms of relevant tax laws, as advised by our accountants.

### Cookie Notice

Our online platform and mobile app use cookies. Insofar as those cookies are not strictly necessary for the provision of our online platform, mobile app (Edana / parent portal) and services, we will ask you to consent to our use of cookies when you first visit our online platform or install and open our mobile app.

#### About Cookies

We may place small text files called “cookies” on your device when you visit our website. These files do not contain personal information but do contain a personal identifier allowing us to associate your personal information with a certain device. A cookie is a file containing an identifier (a string of letters and numbers) that is sent by a web server to a web browser and is stored by the browser. The identifier is then sent back to the server each time the browser requests a page from the server. These files serve a number of useful purposes for you, including: • tailoring our website’s functionality to you personally by letting us remember your preferences; • improving how our website performs; • allowing third parties to provide services to our website; and • helping us deliver targeted advertising where appropriate in compliance with the applicable laws.