



PESTALOZZI TRUST

(IT6377/1998)

(hereinafter collectively referred to as the “Trust”)

Privacy Policy

1. Recordal

The Pestalozzi Trust with registration number IT6377/1998, is a public benefit organisation established in 1998 by a group of Christians to provide support and advocacy services to protect the rights and freedoms of learners in home education and their families to educate their children according to their own religious and/or philosophical persuasions, pedagogical convictions and cultural traditions, as well as any educational institution that is a member.

- 1.1 This Privacy Policy is adopted by the Trust Information Officer in compliance with their duty to develop and maintain a compliance framework in terms of section 55(1) read with regulation 4(a) of the Protection of Personal Information Act, No. 4 of 2013 (“**POPI Act**”).
- 1.2 The purpose of this Privacy Policy is to regulate how the Trust may process, retain, use and safeguard the personal information of private individuals in compliance with the POPI Act.
- 1.3 This Policy must be adhered to by, and apply to all the Trustees, employees of the Trust, contractors, suppliers and authorised agents and any reference to “**the Trust**”, or the “**Trustees**” shall include all such persons.
- 1.4 The term “**data subject**” means any person (natural or juristic person) to whom the personal information relates.
- 1.5 In terms of the POPI Act, the definition of personal information includes, *inter alia*, the following:
 - 1.5.1 Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person (i.e. a company);
 - 1.5.2 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

- 1.5.3 The personal opinions, views or preferences of the person;
 - 1.5.4 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;
 - 1.5.5 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.
- 1.6 The POPI Act applies to the processing of personal information entered in a record by the Trust by making use of automated means (i.e. via the Trust website, www.pestalozzi.org, or the Trust management software that facilitates billing, scheduling, reporting, etc.) or non-automated means (i.e. via application forms, correspondence, discussions, etc) which shall form part of the Trust's filing system or database.
- 1.7 The Trust must adhere to the following 8 (eight) conditions imposed by the POPI Act for the lawful processing of personal information, namely:
- 1.7.1 Condition 1: Accountability
 - 1.7.2 Condition 2: Processing Limitation
 - 1.7.3 Condition 3: Purpose Specification
 - 1.7.4 Condition 4: Further Processing Limitation
 - 1.7.5 Condition 5: Information Quality
 - 1.7.6 Condition 6: Openness
 - 1.7.7 Condition 7: Security Safeguards
 - 1.7.8 Condition 8: Data subject participation

2. Condition 1: Accountability

- 2.1 This Privacy Policy regulates the way the Trust may process, retain, use and safeguard the personal information of data subjects to ensure compliance with the POPI Act.

3. Condition 2: Processing Limitation

3.1 Lawfulness of Processing

The Trust must ensure that personal information is processed lawfully and in a reasonable manner that does not infringe on the privacy of the data subject.

3.2 Minimality

Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant, and not excessive.

3.3 Consent

3.3.1 By accepting the services provided by the Trust, or by concluding an agreement with the Trust, the data subject consents to the processing of his/her personal information in accordance with the terms of this Privacy Policy (as confirmed in such agreement). The consent referred to in this clause, shall constitute adequate proof that such consent had been granted to the Trust by the data subject.

3.3.2 The data subject may withdraw his/her consent at any time, provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information for the following purposes, shall not be affected:

- (i) If processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
- (ii) If processing complies with an obligation imposed on the Trust by law;
- (iii) If processing protects a legitimate interest of the data subject;
- (iv) If processing is necessary for the proper performance of a public law duty by a public body; or
- (v) If processing is necessary for pursuing the legitimate interests of the Trust or of a third party to whom the information is supplied.

3.4 Objections

- 3.4.1 The data subject may at any time, on reasonable grounds relating to his/her particular situation, object to the processing of his/her personal information, unless legislation provides for such processing.
- 3.4.2 If the data subject wishes to object to the processing of his/her personal information, he/she must submit such objection on **FORM 1** (attached hereto) to the Trust's information officer, of which the details are confirmed in the Trust's **PAIA Manual**, accessible at:

<http://pestalozzi.org/wp-content/uploads/2023/11/PAIA-Manual-Pestalozzi-Trust.pdf>

4. Condition 3: Purpose Specification

- 4.1 The Trust must collect personal information for a specific, explicitly defined and lawful purpose related to the functions or activities of the Trust, such as:
 - 4.1.1 to provide services to the families or institutions that joined the Trust;
 - 4.1.2 to communicate with lawyers, advocates and any other service providers in as much as it relates to a needs of an individual case;
 - 4.1.3 for general communication purposes and to provide feedback to a member or client;
 - 4.1.4 for any other purpose generally applicable to the activities of the Trust.
- 4.2 The information collected by the Trust shall include, but is not limited to, the information listed in the Trust's PAIA Manual.
- 4.3 The Trust shall, in addition to the above, collect personal information –
 - 4.3.1 for the performance of any contractual rights and obligations between the parties;
 - 4.3.2 to issue and transmit quotations, invoices, statements or receipts;
 - 4.3.3 for the tracking of cookies on the Trust's website in order to track, personalize and save information about the data subject during his/her session on its website, by remembering and recognizing the user's device, website logins, browsing preferences, etc. to ensure that the user enjoys a more personal

and convenient visit on the Trust's website, to enhance user experience and also for analytical and statistical purposes without publishing or sharing any website reports in an identifiable form.

- 4.4 The personal information shall not be retained by the Trust any longer than is necessary for achieving the purposes as set out above, for which the information was collected or subsequently processed, unless otherwise required by law.
- 4.5 The Trust must establish appropriate safeguards against the personal information being used for any other purposes.

5. Condition 4: Further Processing Limitation

- 5.1 Further processing of personal information must be in accordance or compatible with the purpose for which it was collected, unless further processing is necessary for –
 - 5.1.1 compliance with an obligation imposed by law or to conduct proceedings in any court or tribunal;
 - 5.1.2 the prevention or mitigation of a serious and imminent threat to public health or public safety or the life or health of any individual;
 - 5.1.3 the avoidance of prejudice to the maintenance of law including the prevention, detection, investigation, prosecution and punishment of offences;
 - 5.1.4 acting in the interests of national security; and/or
 - 5.1.5 the further processing of information as exempted by the Information Regulator in terms of section 37 of the POPI Act.
- 5.2 The Trust must restrict further processing of personal information or destroy or delete a record of personal information if the Trust no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed.
- 5.3 Personal information referred to in this clause 5 may, with the exception of storage, only be processed by the Trust in the following circumstances:

- 5.3.1 For purposes of proof;
- 5.3.2 With the data subject's consent;
- 5.3.3 For the protection of the rights of another person; or
- 5.3.4 If such processing is in the public interest.

5.4 Where the processing of personal information is restricted pursuant to clause 5.2, the Trust must inform the data subject before lifting the restriction of processing.

6. Condition 5: Information Quality

6.1 The Trust must take reasonable practical steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary, having regard to the purpose for which such information was collected or further processed.

7. Condition 6: Openness

7.1 The Trust must maintain the documentation of all processing operations under the Trust's responsibility as required by the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (hereinafter referred to as "**PAIA**").

8. Condition 7: Security Safeguards

8.1 The Trust must secure the integrity and confidentiality of personal information in their possession or under their control by taking appropriate, reasonable technical and organisational measures to prevent –

- 8.1.1 loss of, damage to or unauthorised destruction of personal information; and
- 8.1.2 unlawful access to or processing of personal information.

8.2 The Trust must take reasonable measures to –

- 8.2.1 identify all reasonably foreseeable internal and external risks to personal information in their possession or under their control;

- 8.2.2 establish and maintain appropriate safeguards against the risks identified;
 - 8.2.3 regularly verify that the safeguards are effectively implemented; and
 - 8.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 8.3 The Trust must treat personal information as confidential and must not disclose it, unless required by law or in the course of the proper performance of their duties.
- 8.4 Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, the Trust must notify the Information Regulator and the data subject, unless the identity of such data subject cannot be established. This notification must be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the Trust's information system.

9. Condition 8: Data Subject's Participation (Access to personal information)

- 9.1 The data subject, having provided adequate proof of identity, has the right to –
- 9.1.1 request the Trust to confirm, free of charge, whether or not the Trust holds personal information about the data subject;
 - 9.1.2 request from the Trust the record or a description of the personal information about the data subject held by the Trust, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information, within a reasonable time, at a prescribed fee, in a reasonable manner and format and in a form that is generally understandable, in accordance with the guidelines set out in the Trust's PAIA Manual.
- 9.2 The Trust must, in response to the data subject's request, advise the data subject of his/her right to request the correction of information.

- 9.3 The data subject may request the Trust to correct or delete personal information about the data subject in the Trust's possession or under their control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully. The data subject must submit such request on **FORM 2** (Attached hereto) to the Trust's information officer, the details of which is confirmed in the Trust's PAIA Manual.

10. Transfers of personal information outside the Republic of South Africa

- 10.1 The Trust may not transfer the data subject's personal information to a third party who is in a foreign country unless –
- 10.1.1 the third party who is the recipient of the information is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection that –
 - 10.1.1.1 effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject; and
 - 10.1.1.2 includes provisions, that are substantially similar to this clause 10, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
 - 10.1.2 the data subject consents to the transfer;
 - 10.1.3 the transfer is necessary for the performance of a contract between the data subject and the Trust, or for the implementation of pre-contractual measures taken in response to the data subject's request;
 - 10.1.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Trust and a third party; or
 - 10.1.5 the transfer is for the benefit of the data subject, and –

10.1.5.1 it is not reasonably practicable to obtain the consent of the data subject to that transfer; and

10.1.5.2 if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

11. Changes to this Privacy Policy

11.1 The Trust shall be entitled to unilaterally, at their own discretion, update or amend this Privacy Policy from time to time. The Trust shall, however, notify the data subject of such changes by posting the updated Privacy Policy on the Trust website.

11.2 The data subject is hereby advised to review this Privacy Policy periodically for any changes, which shall be in force and effect on the date on which it is published on the Trust website.

12. Communication with the Trust

12.1.1 All objections, complaints and/or any other communication pertaining to the Trust's processing of the data subject's personal information, must be sent to the Trust's Information Officer, the detail of which is confirmed in the Trust's **PAIA Manual**, accessible at: <http://pestalozzi.org/wp-content/uploads/2023/11/PAIA-Manual-Pestalozzi-Trust.pdf>.

This Privacy Policy is hereby adopted by the Trust by way of signature at Pretoria on this 11th day of June 2021.



CHAIRPERSON (B van der Eems)



INFORMATION OFFICER (CE van Oostrum)

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
Contact number(s):	
Fax number/ E-mail address:	

C	INFORMATION TO BE CORRECTED / DELETED / DESTROYED
D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p>(Please provide detailed reasons for the request)</p>

Signed at this day of 20.....

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Signature of data subject