# PAIA MANUAL

As required in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 ("PAIA") and the Protection of Personal Information Act, No. 4 of 2013 ("POPIA")

for Milpark Education (Pty) Ltd, registration number 2004/026244/07.

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Responsible for this Manual: Information Officer

# Table of contents

# 1. Introduction to Milpark Education and this Manual

## 1.1. Milpark Education

Milpark Education (Pty) Ltd is a private company in the Republic of South Africa conducting business as a private higher education institution offering a variety of courses and programmes, including but not limited to Higher Education and Further Education and Training qualifications, short courses, and bespoke courses for corporate clients, with a focus on online learning. Milpark Education is registered with the South African Department of Higher Education and Training (DHET) as a Private Higher Education Institution (No 2007/HE07/003). Milpark Education is part of Stadio Holdings. Milpark Education's Higher Education programmes are accredited by the Higher Education Quality Committee (HEQC), a permanent sub-committee of the Council on Higher Education (CHE). Milpark Education's qualifications are listed on the National Qualifications Framework by SAQA and is also accredited by a number of SETAs to offer tuition towards a variety of TVET learning programmes. To view our service offering, visit our website at www.milpark.ac.za.

Milpark Education is committed to ensuring that all our clients (public and corporate students) are able to exercise their rights of access to information and the protection of their privacy rights in line with relevant legislation and global best practice. The Executive team has committed to the following Privacy Mission and Objectives:

**Privacy Mission and Objectives**

Milpark Education appreciates the importance of the human right to privacy in the Information Age, and we recognise our ethical and legal duties to protect the personal information we process. Every employee has a role to play and is guided by our organisational values, policies and training. Together, we ensure that: (1) we limit the personal information we collect to the minimum required for the purpose, (2) only our trained, authorised employees access personal information, (3) personal information is only shared with third parties as allowed for by law, (4) the security and confidentiality of personal information are protected through up-to-date security safeguards, and (5) stakeholders are informed and involved as is reasonable and fair. Our objectives are not only to comply with the law and align with best practices, but also to position Milpark as a trustworthy custodian of personal information and therefore, together with our commitment to quality education, as a preferred service provider to students and corporate clients.

## 1.2. Contact details

Requests to Milpark Education in terms of PAIA or POPIA should be addressed to the Deputy Information Officer.

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|---|---|
| Name of Company: | Milpark Education, (Pty) Ltd |
| Information Officer: | Candice le Sueur Fisher, Head: Risk & Compliance<br>Contact number: 087 405 9632<br>Email: privacy@milpark.ac.za |
| Postal address: | PO Box 44235, Claremont, Cape Town, 7735 |

| Street address: | 3rd Floor, Deneb House, 368 Main Road, Observatory, Cape Town, 7925 |
|---|---|
| Reception telephone number: | 086 999 0001 |
| Fax Number: | N/A |

## 1.3. This Manual

### 1.3.1. What is this manual?

This manual provides guidelines on how to exercise your rights in terms of:

- the Promotion of Access to Information Act No. 2 of 2000 ("PAIA"), and
- the Protection of Personal Information Act No. 4 of 2013 ("POPIA").

This manual is available to any person as follows:

- On the Milpark Education website at no cost.
- At the Milpark Education head office in Cape Town for inspection of the physical document during normal business hours at no cost.
- On request from the company's Deputy Information Officer.

### 1.3.2. What rights do I have?

The Constitution of South Africa acknowledges the rights of <u>access to information</u> and <u>privacy</u>.

- The Promotion of Access to Information Act No. 2 of 2000 ("PAIA") gives members of the public the right to request access to information that is required to exercise or protect other rights.
- The Protection of Personal Information Act No. 4 of 2013 ("POPIA") gives people whose personal information is being processed by Milpark Education (called "data subjects") various rights in support of privacy, including the right to:
    – Find out whether Milpark Education holds any of their personal information,
    – Request access to their personal information,
    – Request the correction, destruction or deletion of their personal information, and
    – Object to the processing of their personal information on certain grounds.
- All requests are subject to certain conditions or criteria which are contained in the Acts and therefore not all requests will necessarily be granted.

### 1.3.3. How to exercise your rights in terms of PAIA and POPIA

You are welcome to contact Milpark Education's Information Officer at <u>privacy@milpark.ac.za</u> to exercise your rights in terms of PAIA and POPIA. Section 3 of this Manual explains how to do so.

The public body that is the Information Regulator has also made a PAIA Guide, as compiled by the South African Human Rights Commission, available to the public on their website:

https://justice.gov.za/inforeg/docs/misc/PAIA-Guide-English_20210905.pdf.The purpose of this Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act of 2000 (PAIA) and Protection of Personal Information Act, 2013 ("POPIA"). The Guide is available in all official languages.

# 2. Records held by Milpark Education

Subjects and categories of records held by Milpark Education are set out below. In each instance, "including" will mean "including, but not limited to".

## 2.1. General records, some of which may include personal information

- Statutory company information
- Management reports, operational records, annual reports
- Company structure, agendas and minutes of meetings
- Financial, accounting, insurance and tax records
- Legal agreements, contracts, licences, and documents
- Marketing and Sales lists and records
- Product and service records, including but not limited to the Prospectus
- Corporate client relationship management records
- Human resources and personnel records, employment equity information
- Policies, procedures, rules and guidelines
- Certificates of external stakeholders
- Building information, security and access control records
- Information technology and security records
- Contractor and supplier records.

## 2.2. Industry-specific records

- Research material, including but not limited to dissertations, questionnaires, reports and general industry updates
- Tuition material, including but not limited to study guides, course material, tests, assignments, reading lists
- Academic administration correspondence
- Student statistics
- Accreditation documentation and reports
- Registration documentation and reports
- Participation in the higher Education Quality Committee: manuals, reports, correspondence
- Quality assurance reports
- Mail/courier statistics
- Print production records
- Timetables
- Examination materials or records

- Student application, registration, and cancellation records and supporting documentation
- Letters: correspondence with prospective licensees, DETC accreditation correspondence, DETC accreditation approvals, consultations regarding new learning programmes, approval requests from PQM clearance of new learning programmes, registration requests at SAQA, accreditation applications at the HEQC/CHE, internal correspondence
- Library records including bibliographic records, information resources provision records, item records, patron records
- Archive records.

## 2.3. Categories of records held on specific data subjects

Milpark Education holds records on data subjects as follows:

### 2.3.1. For most or all data subjects:

- Contracts and agreements
- Correspondence
- Contact and biographical information
- Unique identifiers
- Records of current or past academic performance.

In addition to the above, the following:

### 2.3.2. Leads, enquirers, and prospective clients or students

- Direct marketing consent status
- Records of contact information and changes to consent.

### 2.3.3. Students: Applicants (prospective students), current students and alumni

- Records provided by client, including but not limited to biographical information, education history, health information where necessary, supporting documentation
- Records generated internally, including but not limited to academic records, student statistics and profiles, records of conduct, financial transaction records including bursaries and loans, disciplinary process records, special application records, assessment records, records of academic progress and assessment, records of graduations, certifications and awards, attendance registers
- Records obtained from third parties, including but not limited to verification of identification and qualification documents, academic records, registration information from corporate clients on behalf of their enrolled employees
- Special personal information: Health and disability information only as needed; race as required by the Department of Higher Education.

### 2.3.4. Corporate clients

- Records provided by the client

- Financial transaction records
- Records of students enrolled by corporate client
- Reports to clients.

### 2.3.5. Employees: Applicants (prospective employees), current employees, former employees, including contractors

- Records provided by applicants and employees
- Statutory employee records pertaining to individual employees
- Records of disciplinary and grievance processes
- Records of appointments, promotions, terminations, performance appraisal
- Employee records
- Beneficiary forms
- Health records
- Time and attendance records
- Leave records
- Training records
- Applications for special arrangements
- CCMA and court cases, proceedings and reports
- Notes and formal reports (with written consent of employee) regarding psychological counselling services to employees
- Notes and formal reports regarding conflict management services to employees and departments
- Special personal information: Health and disability information only as needed; race as required for BBBEE.

### 2.3.6. Independent contractors, professional advisors and service providers

- Records provided by the independent contractors, advisors, or service providers
- Certificates, claim forms, letters of appointment, company registration number
- Identifying information, contact information, payment information.

### 2.3.7. Visitors to physical and virtual Milpark spaces

- CCTV footage
- Log-in/sign-in information and logs.

### 2.3.8. Shareholders, board members and directors

- All records as required by law.

## 2.4. Records that are kept in terms of other legislation

Milpark Education holds records required by law, including:

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|---|---|
| Basic Conditions of Employment Act | No 75 of 1997 |
| Broad Based Black Economic Empowerment Act | No 53 of 2003 |
| Companies Act | No 71 of 2008 |
| Compensation for Occupational Injuries and Diseases Act | No 130 of 1993 |
| Competition Act | No 89 of 1998 |
| Consumer Protection Act | No 68 of 2008 |
| Copyright Act | No 98 of 1978 |
| Electronic Communications and Transactions Act | No 25 of 2002 |
| Employment Equity Act | No 55 of 1998 |
| Higher Education Act (and all amendments) | No 101 of 1997 |
| Income Tax Act | No 95 of 1967 |
| Labour Relations Act | No 66 of 1995 |
| National Qualifications Framework Act ("the NQF Act") | No 67 of 2008 |
| Occupational Health and Safety Act | No 85 of 1993 |
| Promotion of Access to Information Act | No 2 of 2000 |
| Protection of Personal Information Act | No 4 of 2013 |
| Skills Development Act | No 97 of 1998 |
| Skills Development Levies Act | No 9 of 1999 |
| Telecommunications Act | No 103 of 1996 |
| Unemployment Insurance Act | No 63 of 2001 |
| Unemployment Insurance Contributions Act | No 4 of 2002 |

# 3.    Purposes for processing personal information

Milpark Education processes personal information for the following purposes, listed per business area:

- **Academic schools and College**: Processing pre-admission screening and admission applications, payments processing, recruitment of adjunct faculty, grading and moderation, quality control, processing special applications, providing student support, networking and marketing, contractor appointments, administration and management of academic journey, regulatory reporting, alumni relationship management, teaching and learning, responding to enquiries, at-risk student identification and intervention, monitoring of student engagement, compliance with obligations in law, online remote proctoring.

- **All business areas**: Staff management, compliance.
- **Assessment processing**: Assessment and results processing, certification, graduation organisation, qualification verification to prevent qualification fraud.

- **Contact centre**: Processing enquiries and assisted applications for studying, student journey management, lead relationship management, consent management.

- **Commercial/Sales**: Customer relationship management, new business development, key accounts management, corporate student admission and registration administration, reporting, contracting, learnership and bursary administration, Business to Business Sales, onboarding and delivery,

processing special requests, disciplinary notices, and project reminders, assistance with student journey management, WSP/BBBEE scorecard management.

- **Editing:** Editorial services, contracting and processing of invoices, processing student queries regarding module outcomes.

- **Facilities management:** Access control, compliance with legal requirements, Covid-19 management, reception management, physical security, contracting.

- **Finance:** Financial management, due diligence, debtor management, fraud prevention, customer relationship management, processing payments, supplier management, financial and management reporting, BBBEE reporting, audit verification, compliance with legal requirements, management account calculations.

- **Human resources**: Compliance with legal requirements, recruitment and selection, employee management, facilitation of communication with wellness service provider, contract management, performance management, processing Milpark-funded staff study applications, processing staff loan applications and other special requests, conducting internal disciplinary hearings, payroll submissions to facilitate salary payments, deductions and reimbursements, internal reporting, BBBEE assessments, concluding employee exit process, following termination of employment process.

- **Information technology**: Compliance with legal requirements, system development, disaster recovery, fulfilling staff requests for information, student journey management, student communication, employee information management, asset management, IT support, information security management.

- **Library:** Access control to learning material, management of library including loans and returns.

- **Logistics:** Distribution of study materials, examination coordination, marking management, archiving to comply with internal policy and legal requirements.

- **Marketing:** Direct marketing, bulk communication, directing enquiries, hosting webinars, competitions, and events, consent management.

- **Student support**:
  - Processing admissions and registrations for corporate clients, learnerships, and online applications
  - Responding to queries and providing guidance to students using distance or online learning
  - Processing special applications including but not limited to accommodation of disabilities, and credit accumulation and transfer.
  - Reporting to corporate clients
  - Processing special applications to Academic Committee.

- **Student administration**: Compliance with regulatory requirements, configuration administration, prevention of qualification fraud.

- **QA and student affairs:** Processing and administration of surveys, bursaries, disciplinary hearings, student appeals, student complaints, student queries, reporting.

- **Others that span across various areas:** Compliance. Investigating technical errors or other issues with our website, applications and services, security purposes, audit purposes.

Note that some purposes may span across various intersecting business areas, but have been listed with main areas only.

# 4.     Categories of the recipients of personal information

Milpark Education may share the personal information of data subjects with third parties as follows:

- Any third parties as required or allowed for by law.
- Third parties as requested, consented to, or agreed to in a contract by the data subject.
- Third parties such as service providers or business partners who process personal information in conjunction with or on behalf of Milpark Education, subject to agreements that protect the privacy rights of data subjects as applicable
- In the event of any reorganisation, merger, or acquisition of Milpark Education, your personal information may be transferred as part of the transaction to the acquirer who will be bound to processing your personal information in accordance with this (or any updated version of this) Privacy Notice, unless otherwise agreed with you
- Student information may further be shared with:
  – Qualification verification agencies who may upload information to the National Learners' Records Database.
  – The Department of Higher Education, Council on Higher Education, the SETAs, professional bodies.
  – Students on corporate accounts whose information may be shared with the corporate sponsor.
  – In some cases, with fellow students in the context of shared online learning platforms.

# 5.     Planned transborder information flow

Milpark Education makes use of service providers and service partners who are in other countries or function as international organisations or process your information in other territories. Milpark Education aims to ensure that the requirements of Section 72 of POPIA are met, often by way of contracts. Some service providers or partners may not offer protections similar to POPIA, and data subjects may refer to their contracts with Milpark Education, or the relevant Privacy Notices for more information.

# 6.     Description of information security measures

Information is a critical asset and Milpark Education, along with its employees, is committed to ensuring the confidentiality, integrity and availability of personal information and other data that are processed by our services and business operations.

- Milpark Education has due regard for generally accepted information security practices and procedures.
- Milpark Education's information security program is championed by executive leadership.
- Milpark Education has implemented policies and procedures to safeguard information assets.
- Milpark Education takes reasonable and appropriate technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control. These measures aim to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information.
- Milpark Education takes measures to identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control, establish and maintain appropriate safeguards against the risks identified and ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- Milpark Education ensures, in terms of written contracts, that Operators who process personal information on our behalf establish and maintain the necessary security measures.
- Milpark Education conducts ongoing staff information security awareness training
- Milpark Education backs up personal information in accordance with the disaster recovery plan.

# 7. How to access or update information

## 7.1. What you can do without contacting the Deputy Information Officer

### 7.1.1. Access to publicly available records or documents

Some company records are available publicly and you would not need to contact the Deputy Information Officer to make requests in terms of PAIA for any information, as listed below, that is available to the public:

- Information published in any publicly accessible website operated by Milpark Education;
- Information published in any official company marketing material such as product brochures;
- Information contained in media releases made by Milpark;
- Additional documents listed below.

In addition, while the following Milpark Education documents may not be available to the public, they may be requested for legitimate business purposes from our Finance Department without lodging a request with the Deputy Information Officer:

- BBBEE certificate (which may also be available on our website).
- Annual Financial statements.
- Tax compliance certificate.
- Note: Should a request for the documents above be extraordinary, it may be redirected to the Deputy Information Officer.

The following documents are available for public inspection in compliance with the Higher Education Act, 1997 (Act No. 101 of 1997) Regulations for the Registration of Private Higher Education Institutions, 2016:

- Certificate of Registration as a private higher education institution from the Department of Higher Education and Training.
- A prospectus and the factsheets for every programme on offer (combined: The calendar of offerings)

These documents are available without making a request in terms of PAIA and may be accessed as follows:

- On the Milpark Education website at no cost
- At the Milpark Education head office in Cape Town for inspection of the physical document during normal business hours at no cost.

### 7.1.2. Access to automatically available records (PAIA Section 52)

No categories of information available from Milpark Education, without making a request in terms of PAIA, have been published in terms of Section 52 of PAIA.

### 7.1.3. View and correct some of your own personal information if you are a student or alumnus

If you are a student or alumnus at Milpark Education, some of your personal information is accessible to you **on myMilpark, the student portal,** where you can access, view and update most personal information fields. You would not need to contact the Deputy Information Officer to view any of your information on *myMilpark*, or to correct any of the data fields that are available to you. Students can also view their academic records on *myMilpark*.

## 7.2.     How to make a request for access to information in terms of PAIA or POPIA

To make a request in terms of PAIA or POPIA, please follow this link to fill in and submit the form of your choice: https://informationofficer.co.za/milpark/

### 7.2.1. Forms and process

- To request Milpark Education to confirm whether or not the company holds personal information about you, complete the following steps:
    - Go to this website: https://informationofficer.co.za/milpark/
    - Click on the "data subject request" tab.
    - Complete the form.
    - At "select a request type", select "Information request".
    - At "Enter request details", please provide detail related to the request.
- For a request to access to a record of information held by Milpark Education in terms of PAIA (including a request by a data subject for a record of their personal information held by Milpark Education), complete the following steps:
    - Go to this website: https://informationofficer.co.za/milpark/
    - Click on the "data subject request" tab.
    - Complete the form.
    - At "select a request type", select "Access request".

- At "Enter request details", please ensure that you provide sufficient details to enable Milpark Education to identify:
  - The record(s) requested
  - The form of access required;
  - If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- To object to the processing of Personal Information in terms of POPIA, complete the following steps:
  - Go to this website: https://informationofficer.co.za/milpark/
  - Click on the "data subject request" tab.
  - Complete the form.
  - At "Select a request type" select "objection notification".
  - At "Enter request details" please provide details about what processing is being objected to, and the reason for objection.
- To request the destruction or restriction of a record of personal information in terms of POPIA, complete the following steps:
  - Go to this website: https://informationofficer.co.za/milpark/
  - Click on the "data subject request" tab.
  - Complete the form.
  - At "select a request type", select either "destruction" or "restriction", whichever applies.
  - At "Enter request details" please provide details on the basis for the request.
- Additional request types may also be submitted at https://informationofficer.co.za/milpark/.

Once Milpark Education receives the request, you will be contacted by the Information Officer/designated officer or an authorised officer who will advise you about the further management of your request, to verify your identity, or provide the necessary feedback.

All requests are subject to identity verification.

Should you require assistance or require the use of a different method of submitting your request, please feel free to contact the Information Officer.

## 7.2.2. Conditions for requests in terms of PAIA

Please take note of the following regarding access to information as per PAIA regulations:

- The successful completion and submission of a form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category, as specified in Part 3 Chapter 4 of PAIA.
- If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.
- Milpark Education will within 30 days of receipt of the request decide whether to grant or decline the request. Written reasons for declining a request will be given to the requester.

- The 30-day period may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another Milpark office, or the information cannot reasonably be obtained within the initial 30-day period. The requester will be informed in writing should an extension be required.

### 7.2.3. Conditions for requests in terms of POPIA

Please take note of the following regarding information requests per POPIA regulations:

- Data subjects making requests in terms of POPIA will be required to submit proof of identity.
- Milpark Education, in the capacity of Responsible Party, may refuse to disclose information to which the grounds for refusal of access to records are set out in the applicable sections of PAIA.

### 7.2.4. Fees

Milpark Education does not charge any fees for requests made in terms of PAIA or POPIA.

# 8. Recourse

If a request for access to information is denied by Milpark Education's Information Officer/designated officer or a duly authorised person, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

Information Regulator contact details: PAIAComplaints@inforegulator.org.za

Information Officer contact details at Milpark for queries or complaints:

- Email: privacy@milpark.ac.za
- Phone: +27 87 405 9571