



POPIA & PRIVACY POLICY

Compiled in conjunction with the Protection of Personal Information Act, 2013 (POPIA) came into effect and governs the processing of personal information by public and private bodies across the board.

CUSTOMER PRIVACY NOTICE

This Notice explains how we obtain, use and disclose your personal information, in accordance with the requirements of the Protection of Personal Information Act ("POPIA").

At Open Window Institute (Pty) Ltd (and including our website, www.openwindow.co.za) we are committed to protecting your privacy and to ensure that your personal information is collected and used properly, lawfully and transparently.

ABOUT THE COMPANY

The Open Window (Pty) Ltd, is registered as a Private Higher Education Institution with the Department of Higher Education and Training (DHET) for 27 years in terms of section 54(1)(c) of the Higher Education Act 1997 (Act N°. 101 of 1997) and Regulation (14(4)

(a) of the Regulations for the Registration of Private Higher Education Institutions 2016, to offer its approved programmes at the following site of delivery: 1297 John Vorster Drive, Extension East, Southdowns, Irene, 0169.

The Open Window (Pty) Ltd is registered to offer the following degree programmes:

- + Bachelor of Arts Visual Communication Design - NQF Level 7 (360 credits) SAQA ID: 60470
- + Bachelor of Film Arts - NQF Level 7 (360 credits) SAQA ID: 94670
- + Bachelor of Creative Technologies - NQF Level 7 (360 credits) SAQA ID: 99355
- + Bachelor of Arts Honours in Visual Communication - NQF Level 8 (120 credits) SAQA ID: 62991

The Open Window is registered at MICT Seta with accreditation number: ACC/2016/07/0012:

- + National Certificate: 3D Animation and Visual Effects NQF Level 5 (149 credits) SAQA ID 57607
- + National Certificate: Film and Television Production NQF Level 5 (122 credits) SAQA ID 58394
- + FET Certificate: Photography NQF Level 4 (128 credits) SAQA ID 73298
- + National Certificate Design Techniques NQF Level 5 – Communication Design (120 credits) SAQA ID 90721
- + National Certificate Design Techniques NQF Level 5 – User-Interface Design (120 credits) SAQA ID 90721

LEGAL STATUS

The Open Window (Pty) Ltd (Company Registration Number 1973/015860/07) courses are accredited by the Council on Higher Education (CHE) and registered with the South African Qualifications Authority (SAQA).

SCOPE

This policy extends to all entities and divisions that form part of The Open Window (Pty) Ltd.

REFERENCE

- Electronic Communications and Transaction Act 25 of 2002 (ECT)
- Protection of Personal Information Act 4 of 2013 (POPIA).
- General Data Protection Regulation Search Results
- EU General Data Protection Regulation (GDPR): Regulation (EU) 2016/679

THE INFORMATION WE COLLECT

We collect and process your personal information mainly to contact you for the purposes of understanding your educational requirements, and delivering services accordingly. For this purpose we will collect contact details including your name, surname, email and contact number.

We collect information directly from you where you provide us with your personal details. Where possible, we will inform you what information you are required to provide to us and what information is optional.

Website usage information may be collected using "cookies" which allows us to collect standard internet visitor usage information.

HOW WE USE PERSONAL INFORMATION

We will use your personal information only for the purposes for which it was collected and agreed with you. In addition, where necessary your information may be retained for legal or research purposes.

For example:

- To gather contact information;
- To confirm and verify your identity or to verify that you are an authorised user for security purposes;
- For the detection and prevention of fraud, crime, money laundering or other malpractice;
- To conduct market or customer satisfaction research or for statistical analysis;
- For audit and record keeping purposes;
- In connection with legal proceedings.

DISCLOSURE OF INFORMATION

We may disclose your personal information to our service providers who are involved in the delivery of products or services to you. We have agreements in place to ensure that they comply with the privacy requirements as required by the Protection of Personal Information Act.

We may also disclose your information:

- Where we have a duty or a right to disclose in terms of law or industry codes;
- Where we believe it is necessary to protect our rights.

INFORMATION SECURITY

We are legally obliged to provide adequate protection for the personal information we hold and to stop unauthorized access and use of personal information. We will, on an on-going basis, continue to review our security controls and related processes to ensure that your personal information remains secure.

Our security policies and procedures cover:

- Physical security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues;
- Monitoring access and usage of private information;
- Investigating and reacting to security incidents

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information that we remain responsible for, is kept secure.

We will ensure that anyone to whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

CUSTOMER RIGHTS: ACCESS TO INFORMATION

You have the right to request a copy of the personal information we hold about you. To do this, simply contact us at the numbers/addresses as provided on our website and specify what information you require. We will need a copy of your ID document to confirm your identity before providing details of your personal information.

Please note that any such access request may be subject to a payment of a legally allowable fee.

CORRECTION OF INFORMATION

You have the right to ask us to update, correct or delete your personal information. We will require a copy of your ID document to confirm your identity before making changes to personal information we may hold about you. We would appreciate it if you would keep your personal information accurate.

DEFINITION OF PERSONAL INFORMATION

According to the Act **“personal information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. Further to the POPI Act, The Open Window (Pty.) Ltd also includes the following items as personal information:

- All addresses including residential, postal and email addresses.
- Change of name – for which we require copies of the marriage certificate or official change of name document issued by the state department.

STORAGE OF DATA

Personal information will only be retained for as long as necessary for the purpose it was collected and in line with regulations governing the duration information should be kept.

DATA COLLECTION

In addition to the personal information you submit, The Open Window (Pty.) Ltd may collect information about your computer including, where available, your IP address, operating system, and browser type for system administration.

Furthermore, we may collect aggregated site-visitation statistics using cookies. When someone visits the site, a cookie is placed on the customer’s machine (if the customer accepts cookies) or is read if the customer has visited the site previously.

In order to serve you better as a client Google Analytics may also track the following as you visit our website::

User behaviour encompasses all the actions visitors take on our website: where and what they click on, how they scroll down a page, where they stumble, and where they eventually drop off the page and leave. The Open Window (Pty.) tracks new users, the number of first-time users (instead of returning ones) in a particular date range. The average length of a session of all users. The number of people who open our website and immediately then close it without even clicking anywhere or making an effort to browse through. The number of pages viewed by a user during a session as well as the number of exits/number of page views for the specified page. The Open Window (Pty.) tracks how many active users are currently active on our website. The Open Window (Pty.) stores demographics, so that we can understand which age group our products are the most attractive to. The Open Window (Pty.) also captures your gender and interests. We capture how our website visitors are behaving on our website. These reports allow us to view every step that you took as you

explored our website, including backtracks. Heat maps show us where on the website pages you are spending the most of your time and where you are clicking, so we can see which buttons, calls to action (CTAs), videos or other clickable assets get the most or least interactions. The Open Window (Pty.) also records the type of web browser, operating system (OS), flash version, and JavaScript you are using. For targeted marketing we may also record your Network location and IP address.

CHANGES TO THIS POLICY

We reserve the right, in our sole and absolute discretion, to update, modify or amend (including without limitation, by the addition of new terms and conditions) this policy from time to time with or without notice or justification. You therefore agree to review the policy whenever you visit the website for any such change. Save as expressly provided to the contrary in this policy, the amended version of the policy shall supersede and replace all previous versions thereof.

HOW TO CONTACT THE OPEN WINDOW TO REMOVE OR UPDATE YOUR PERSONAL INFORMATION

If you have any queries about this notice; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, contact us at;

- *Registrar: Academic Regulatory*
The Open Window (Pty) Ltd
1297 John Vorster Drive, Extension East, Southdowns, Irene, 0169.
Contact Number (South Africa) 012 6489200
Email: popia@openwindow.co.za

- Information Regulator - You have the right to complain to the Information Regulator, whose contact details are:
JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001
P.O Box 31533
Braamfontein
Johannesburg
2017
Tel: 012 406 4818
Fax: 086 500 3351
Email: infoereg@justice.gov.za

GUIDANCE NOTE ON PROCESSING OF PERSONAL INFORMATION OF CHILDREN

PURPOSE

The purpose of this Guidance Note is to guide responsible parties who are required to obtain authorisation from the Regulator to process personal information of children, as provided for in section 35(2) of POPIA. We do not knowingly collect personal information from children (under 18 years of age) without the permission of their parent or guardian.

1. DEFINITION

1.1. "Child" means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him or herself;

1.2. "Competent Person" means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;

1.3. "Consent" means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

1.4. "De-identify", in relation to personal information of a data subject, means to delete any information that

1.4.1. identifies the data subject;

1.4.2. can be used or manipulated by a reasonably foreseeable method to identify the data subject; or

1.4.3. can be linked by a reasonably foreseeable method to other information that identifies the data subject.

1.5 "Operator" means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;

1.6 "Processing", as defined in POPIA, means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including

1.6.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; Page 4 of 14

1.6.2 dissemination by means of transmission, distribution or making available in any other form; or

1.6.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;

1.7 "Responsible party" means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

2. INTRODUCTION

2.1. A responsible party is, in terms of section 34 of POPIA, and subject to section 35(1) of POPIA, prohibited from processing personal information of children.

2.2. The prohibition on processing of personal information of children, as referred to in paragraph

2.1 above, does not apply if such processing is

2.2.1. carried out with the prior consent of a competent person;

2.2.2. necessary for the establishment, exercise or defence of a right or obligation in law;

2.2.3. necessary to comply with an obligation of international public law;

2.2.4. for historical, statistical or research purposes to the extent that

2.2.4.1. the purpose serves a public interest and the processing is necessary for the purpose concerned.

2.2.4.2. it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the child to a disproportionate extent.

2.2.5. of personal information of children which has deliberately been made public by the child with the consent of a competent person.

2.2.5.1. Reference to personal information made public may include, for example, publication of personal information of a child in social media, with the consent of a competent person.

2.3 This document provides guidance only and the responsible parties are therefore required to ensure compliance with the relevant provisions of POPIA. Any examples provided in this Guidance Note are not exhaustive and should be regarded as mere guidance to improve understanding.

3. PURPOSE

The purpose of this Guidance Note is to guide responsible parties who are required to obtain authorisation from the Regulator to process personal information of children, as provided for in section 35(2) of POPIA.

4. AUTHORISATION FOR PROCESSING OF PERSONAL INFORMATION OF CHILDREN

4.1. In terms of Section 35(2) of POPIA, the Regulator may, by notice in the Gazette, authorise a responsible party to process personal information of children if the Regulator is satisfied that the such processing is

4.1.1. in the public interest; and

4.1.2. appropriate safeguards have been put in place to protect the personal information of the child.

4.2. Public Interest

4.2.1 POPIA does not define what constitute public interest, in relation to the processing of personal information of children.

4.2.2 Public interest is a wide and diverse concept that cannot, and should not, be limited in its scope and application. The definition of what constitutes public interest varies across jurisdictions and should be assessed on a case-by-case basis. In its very basic formulation, public interest is the notion that an action or process or outcome widely and generally benefits the public at large (as opposed to a few or a single entity or person) and should be accepted or pursued in the spirit of equality and justice.

4.3. Appropriate Safeguards

4.3.1. The responsible party is required, in terms of section 19(1) of POPIA, to secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent

4.3.1.1. loss of, damage to or unauthorised destruction of personal information; and

4.3.1.2. unlawful access to or processing of personal information.

4.3.2. In order to appropriately secure the integrity and confidentiality of personal information of the child in its possession or under its control, the responsible party must take reasonable measures to

4.3.2.1. identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

4.3.2.2. establish and maintain appropriate safeguards against the risks identified;

4.3.2.3. regularly verify that the safeguards are effectively implemented; and

4.3.2.4. ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

4.3.3. The responsible party must have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.

5. CONDITIONS THAT MAY BE IMPOSED BY THE REGULATOR IN RESPECT OF ANY AUTHORISATION GRANTED

5.1 If the Regulator is satisfied that the application for authorisation to process personal information of children meet the requirements listed in paragraph 4.1 above, it may impose reasonable conditions in respect of any authorisation granted, which conditions will be decided on a case-by-case basis.

5.2 The conditions may include

5.2.1 how a responsible party must

5.2.1.1 upon request of a competent person, provide a reasonable means for that person to

5.2.1.1.1 review the processing of the personal information of children; and

5.2.1.1.2 refuse to permit its further processing of personal information of the child;

5.2.1.2 provide notice

5.2.1.2.1 regarding the nature of the personal information of children that is processed;

5.2.1.2.2 how such information is processed; and

5.2.1.2.3 regarding any further processing practices.

5.2.1.3 refrain from any action that is intended to encourage or persuade a child to disclose more personal information about himself or herself than is reasonably necessary given the purpose for which it is intended; and

5.2.1.4 establish and maintain reasonable procedures to protect the integrity and confidentiality of the personal information collected from children.