



# PRIVACY AND CONFIDENTIALITY POLICY

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## 1. INTRODUCTION

The Da Vinci Institute is an accredited private higher distance education provider offering qualifications on NQF levels five to ten, which are registered on the Higher Education Qualifications Sub-Framework (HEQSF). This policy forms part of the institutional Integrated Quality Management System and details the principles for ensuring that programme offerings adhere to required academic standards and empower students to contribute to the transformation of their communities, society, and the economy of the future. This approach is underpinned by the Business- and Community-based Action Learning discourse on the co-creation and distribution of relevant knowledge.

The Da Vinci Institute is committed to protecting and respecting the individual's right to privacy in relation to the collection, management, storage, use and disclosure of personal information, and ensuring the accuracy and security of any personal information it holds regardless of whether the personal information relates to staff, students, contractors or visitors.

The Privacy and Confidentiality policy informs how Da Vinci processes personal information:

- i. Personal information provided to Da Vinci
- ii. Personal information Da Vinci collects about the individual
- iii. Personal information Da Vinci obtains from other sources.

By submitting personal information to Da Vinci, or using Da Vinci's services, the individual is accepting and consenting to the practices described in this policy.

For the purpose of the Protection of Personal Information Act 4 of 2013, the responsible party is Da Vinci Institute for Higher Education.

## 2. DEFINITIONS

Term	Definition
Cookie	An HTTP cookie (also called web cookie, Internet cookie, browser cookie) is a small piece of data sent from a website and stored on the user's computer by the user's web browser while the user is browsing
Fraud	In South Africa fraud is defined as "the unlawful and intentional making of a misrepresentation which causes actual and or potential prejudice to another"
IP (Internet Protocol) address	An IP address is a set of numbers which is assigned to the user's computer during a browsing session whenever the

Term	Definition
	user logs onto the Internet via their internet service provider or their network (if they access the Internet from, for example, a computer at work)
Personal Information	Information about an identifiable individual, such as name, age, date of birth, home address and phone number, marital status, financial information and details of one's involvement with the institution
Uniform Resource Locator (URL)	A protocol for specifying addresses on the Internet; an address that identifies a particular file on the Internet, usually consisting of the protocol, as http, followed by the domain name

### 3. REGULATORY FRAMEWORK

The Privacy and confidentiality Policy is benchmarked against, and should be read in the context of the relevant legislation underpinning the principles against which institutional policies, processes and standard operational procedures are developed, implemented and maintained. These include:

#### A. Regulatory Legislation

- I. Companies Act 71 of 2008
- II. Constitution of the Republic of South Africa (No 108 of 1996)
- III. Electronic Communications and Transactions Act 25 of 2002
- IV. Protection of Personal Information Act, No 4 of 2013
- V. Promotion of Access to Information Act 2 of 2000

#### B. Applicable Da Vinci documents

- I. A7 - Communication Policy
- II. A12 - Records Management Policy
- III. B25 – Social Media Policy
- IV. C2 - Acceptable use of Information Systems Policy
- V. C3 - Information Security Management Policy
- VI. C4 - Firewall Policy
- VII. C5 - Wireless Communication Policy.

### 4. SCOPE

This policy refers to all individuals or groups utilising Da Vinci's resources and includes the following parties:

- 4.1. Employees
- 4.2. Contractors
- 4.3. Temporary staff
- 4.4. Students
- 4.5. Customers
- 4.6. Members of the public
- 4.7. Any other party utilising Da Vinci's resources.

## **5. PURPOSE**

Da Vinci respects individual privacy and the laws governing it and remains committed to protecting and safeguarding the personal information of students, staff, alumni, donors and others who access its products and services. This policy affirms the institution's commitment to maintaining that privacy and to inform interested parties of the institution's policies and practices in protecting such personal information.

Da Vinci's privacy commitment includes ensuring the accuracy, confidentiality and security of personal information and allowing individuals to request access to, and correction of their personal information.

## **6. PERSONAL INFORMATION**

The institution may collect information provided in writing (including via electronic media) or verbally about its students, faculty, alumni, donors and others who access its products and services and does so for the following purposes, depending upon the specific circumstances:

- i. Maintaining a record of one's involvement with the institution
- ii. To respond to requests for information, counselling and guidance
- iii. To provide instruction, mentoring, counselling and follow up activities for students
- iv. Communicating with and understanding the needs of students, staff, alumni and their families
- v. To deliver requested products and services
- vi. Fund-raising and institutional advancement activities
- vii. Recording and processing of donations and gifts
- viii. Meeting any legal, accreditation or regulatory requirements
- ix. Analysis of data for management purposes;
- x. Other purposes consistent with the aim to fulfil the institution's mission.

## **7. PERSONAL INFORMATION PROVIDED TO DA VINCI**

Da Vinci may receive personal information by any of the following means:

- i. Individuals filling in forms available on the Da Vinci website, or at its offices
- ii. Corresponding by phone, e-mail or other means
- iii. When registering a student

- iv. Completing a form to contact Da Vinci
- v. Subscribe to Da Vinci's services
- vi. Participate in Da Vinci's social media forums
- vii. Linked to Da Vinci's website
- viii. Completing a survey
- ix. Reporting a problem via Da Vinci's website.

## **8. PERSONAL INFORMATION COLLECTED BY DA VINCI**

When visiting the Da Vinci website, information may be collected automatically by the following means:

- 8.1. Technical information, including the Internet protocol (IP) address used to connect the computer to the Internet, the user's login information, browser type and version, time zone setting, browser plug-in types and versions, operating system and platform.
- 8.2. Information about the web visit, including the full Uniform Resource Locators (URLs) clickstream to, through and from Da Vinci's site including date and time; services/products viewed or searched for, page response times, download errors, length of visits to certain pages, page interaction information (such as scrolling, clicks, and mouse-overs), and methods used to browse away from the page, and any phone number used to call the customer service number.
- 8.3. Information received when a student is registered, or if authorised to collect information from selected third parties (i.e. from bursaries or sponsorships). In this case, Da Vinci would have informed the individual when the information was collected, and that it may be shared internally, and combined with information collected on the website.
- 8.4. Information from third parties Da Vinci is working with. Da Vinci may receive information about the individual from third parties including business partners, sub-contractors, payment and delivery services, advertising networks, analytics providers, information search providers, credit reference agencies and contract staff.

## **9. COOKIES**

- 9.1. Cookies may be used by Da Vinci to understand the users of their site better. Cookies allow Da Vinci to understand who has seen which pages and advertisements, to determine how frequently particular pages are visited, and to determine the most popular areas of the site. Depending on the type of cookie used (persistent or session cookies), cookies also allow the sites to be

more user friendly; permanent cookies allow to save the user's password so that the user does not have to re-enter it every time the user visits the specific site.

- 9.2. Users can usually adjust their browser so that their computer does not accept cookies. If this is done, the user will still be able to browse around the site, but the functions that allow access to an existing account or page that requires a username or password, will not be available.
- 9.3. Users can adjust their browser to inform the user when a website tries to put a cookie on their computer. How the users adjust their browser to stop it accepting cookies, or to notify the user, will depend on the type of internet browser programme their computer uses.
- 9.4. Cookies do not contain personal information such as the user's home address, telephone number or credit card details, but the personal information that is stored about the user may be linked to the information stored in, and obtained from cookies.
- 9.5. The user's browser also generates other information, including which language the site is displayed in, and their Internet Protocol address (IP address). The user's IP address is automatically logged by Da Vinci's servers and used to collect traffic data about visitors to its sites. Da Vinci does not use the user's IP address to identify them personally.
- 9.6. Da Vinci will only keep cookies for the duration of the user's visit to its site.
- 9.7. Da Vinci does not exchange cookies with any third party websites or external data suppliers.

## **10. THE USE OF PERSONAL INFORMATION**

Da Vinci uses the information held about the user in the following ways to:

- 10.1. Carry out Da Vinci's obligations (whether day-to-day administration or educational, social and health needs obligations) arising from any contracts entered into between the user and Da Vinci, and to provide the user with the information and services that they request from Da Vinci
- 10.2. Provide the user with information about their child's education and associated matters
- 10.3. Provide the user with information about other services on offer that are similar to those that they have already acquired or enquired about

- 10.4. Provide the user with information about educational activities.
- 10.5. Provide the user, or permit selected third parties to provide the user with information about goods or services they feel may be of interest to them:
  - 10.5.1. If the user is an existing customer/registered student, Da Vinci will only contact them with information about goods and services similar to those that were the subject of a previous service provision or service negotiations.
  - 10.5.2. If the user is a new customer/new registered student, and where Da Vinci permits selected third parties to use their information, Da Vinci (or the third party) will contact the user only if they have consented to this.
- 10.6. Should the user not want Da Vinci to use their information, or to pass their details on to third parties for marketing purposes, the user can 'tick' the relevant box situated on the form on that is used to collect the user's data.
- 10.7. Da Vinci will not share the user's information or the information of the student with any third party except as stated in this policy.

## **11. OBLIGATIONS**

- 11.1. Da Vinci will ensure that content from its site is presented in the most effective manner for the user and their computer.
- 11.2. Da Vinci will deal with enquiries and complaints made by, or about the user relating to Da Vinci's site or other services the users use.
- 11.3. Measure or understand the effectiveness of advertising served to users and others, and to deliver relevant advertising to individuals who access the site.
- 11.4. Make suggestions and recommendations to students, staff and other users of Da Vinci's site about goods or services that may interest users.
- 11.5. Allow users to participate in interactive features of Da Vinci's service (when users choose to do so).

## **12. INFORMATION COLLECTED ABOUT USERS**

Da Vinci will use the information to:

- 12.1. Administer its site and for internal operations, including troubleshooting, data analysis, testing, research, statistical and survey purposes

- 12.2. Improve its site to ensure that content is presented in the most effective manner for Da Vinci and for the user's computer.

### **13. INFORMATION RECEIVED FROM OTHER SOURCES**

- 13.1. Da Vinci may combine this information with information provided to Da Vinci and information Da Vinci collects about users. Da Vinci may use this information and the combined information for the purposes set out in this policy.
- 13.2. Should users provide information on behalf of someone else (i.e. the student or spouse), then it is the user's responsibility to ensure that they have the authority and/or have obtained the necessary consent from such person/s before making the information available to Da Vinci. On receipt of personal information, Da Vinci assume that the necessary consent has been obtained and will process the personal information as per the user's instructions. The user indemnifies Da Vinci against any third party claim where a third party claim that personal information have been processed without the necessary consent, or other available exception under the The Promotion of Access to Information Act.
- 13.3. Da Vinci will only use personal information received for another purpose when:
  - 13.3.1. The user consents thereto
  - 13.3.2. It is in the interest of the user (or their child), i.e. necessary to lessen or prevent a serious or imminent threat to life, health or safety
  - 13.3.3. Is required by law or for law enforcement purposes.
- 13.4. Where consent for the use and disclosure of personal information is required, Da Vinci will seek consent from the data subject directly.
- 13.5. In the case of a student's personal information, then Da Vinci will seek the consent from the student and/ or parent depending on the circumstances and the student's mental ability to understand the consequences of the proposed use and disclosure.

### **14. DISCLOSURE OF PERSONAL INFORMATION**

- 14.1. Da Vinci may share the information with:
  - 14.1.1. Any member of its group, which means their ultimate holding company and its subsidiaries, as defined in the Companies Act

- 14.1.2. Selected third parties including business partners, contract staff; suppliers and sub-contractors for the performance of any contract entered into with them or the user
  - 14.1.3. Service providers that provide information processing services to Da Vinci (as an operator). In those circumstances those third parties shall be required to enter into a non-disclosure agreement on no less stringent terms than found in this privacy policy, and to process and protect the information as confidential and in accordance with Da Vinci's instructions
  - 14.1.4. Advertisers and advertising networks that require the data to select and serve relevant adverts to users and others. Da Vinci does not disclose information about identifiable individuals to their advertisers, but may provide them with aggregate information about their users. Da Vinci may also use such aggregate information to help advertisers reach the kind of audience they want to target. Da Vinci may make use of the personal information that has been collected from users to enable Da Vinci to comply with its advertisers' wishes by displaying their advertisement to that target audience
  - 14.1.5. Analytics and search engine providers and support administrators of Da Vinci's Student Management Systems that assist Da Vinci in the improvement and optimisation of their site and SMS.
- 14.2. Da Vinci may disclose the information to third parties:
- 14.2.1. In the event that Da Vinci may sell or buy any businesses or assets, in which case Da Vinci may disclose the information to the prospective seller or buyer of such business or assets
  - 14.2.2. If Da Vinci or substantially all of its assets are acquired by a third party, in which case personal information held by Da Vinci about its customers, will be one of the transferred assets
  - 14.2.3. If Da Vinci is under a duty to disclose or share the information in order to comply with any legal obligation, or in order to enforce or apply its terms of use applicable to any particular site of theirs, or terms and conditions of supply of their services to users, and according to other agreements, or to protect their rights, property, or safety, or the rights, property or safety of their customers, or others. This includes exchanging information with other companies and institutions for the purposes of fraud protection and credit risk reduction.

## **15. STORAGE OF PERSONAL INFORMATION**

- 15.1. The information that Da Vinci collects from users may be transferred to, and stored at a destination outside the Republic of South Africa (RSA). It may also be processed by staff operating outside the RSA who are employed by Da Vinci or for one of Da Vinci's suppliers/service providers. Such staff may be engaged in, among other things, the fulfilment of the user's order/Da Vinci's obligations towards the user, the processing of their payment details and the provision of support services. By submitting the information, users agree to the transfer, storing or processing of information. Da Vinci will take all steps reasonably necessary to ensure that the information is treated securely and in accordance with this Privacy policy.
- 15.2. All of the information provided to Da Vinci is stored on secure servers or in terms of paper documents, stored in secure locations. Where Da Vinci has given a user (or where a password has been chosen by a user) a password that enables users to access certain parts of the site, they are responsible for keeping this password confidential. Da Vinci requests users not to share a password with anyone. Where a student has been issued with a password, Da Vinci expects the parent to reinforce the necessity for their child to keep his/her password secure.
- 15.3. Records of information will not be retained for longer that is necessary for operational or archiving purposes for which the information was collected, unless retention of a record is required or authorised by law. Records of the information may be retained for periods in excess of those contemplated for historical, statistical or research purposes, subject to Da Vinci establishing appropriate safeguards against the records being used for any other purpose.
- 15.4. The transmission of information via the Internet is unfortunately not completely secure. Although Da Vinci will use appropriate and reasonable technical and organisational measurements to protect the information, the security of the users' data transmitted to Da Vinci's site or to any other location by electronic means cannot be guaranteed; any transmission is at the user's own risk. Once Da Vinci has received the information, appropriate and reasonable technical and organisational measurements will be applied to endeavour to prevent unauthorised access.

## **16. SOCIAL MEDIA PLATFORMS**

- 16.1. Communication, engagement and actions taken through external social media platforms that Da Vinci, the directors or employees participate in, are custom to the specific terms and conditions as well as the privacy policies held with each social media platform respectively.

- 16.2. Users are advised to use social media platforms wisely and communicate/engage with due care and caution in regard to their own privacy and personal information. Da Vinci will never ask for personal or sensitive information through social media platforms, and encourage users wishing to discuss sensitive details, or to resolve issues/concerns, to contact Da Vinci through primary communication channels such as by telephone or e-mail.
- 16.3. The Da Vinci social networks page may share web links to relevant web pages. By default, some social media platforms shorten lengthy URL's. Users are advised to take caution and good judgement before clicking any shortened URL's published on social media platforms by this website. Despite the best efforts to ensure only genuine URL's are published, many social media platforms are prone to spam and hacking, and therefore this website and its owners cannot be held liable for any damages or implications caused by visiting any shortened links.

## **17. INTERCEPTION AND MONITORING OF COMMUNICATIONS**

- 17.1. Da Vinci reserves the right to intercept, monitor, and copy or block communications to and from its communication facilities (including, but not limited to its site, e-mail, SMSs, etc.) in accordance with the relevant provisions of the law.

## **18. THE RIGHTS OF USERS**

- 18.1. Users have the right to ask Da Vinci not to process the information collected for marketing purposes. Da Vinci will usually inform the user (before collecting their data), if the intention is to use data for such purposes, or if the intention is to disclose the user's information to any third party for such purposes.
- 18.2. Users can exercise their right to prevent such processing by checking certain boxes on the forms used to collect user's data. Users can also exercise their right at any time by contacting the Insights and Growth Marketing and Communications Manager, or use the 'unsubscribe' functionality on Da Vinci's e-mail communications.
- 18.3. Da Vinci's site may, from time to time, contain links to and from the websites of partner networks, advertisers and affiliates (third party websites/social media sites). If users follow a link to any of these websites, Da Vinci does not accept any responsibility or liability for these website's policies, as these websites have their own privacy policies. The onus is on users to check these policies before they submit any personal information to these websites.

- 18.4. Users have a right to see/access the information that is kept by Da Vinci. Users may instruct Da Vinci to provide them with any personal information Da Vinci may hold about the user or their child, upon receipt of a written request and payment of a fee as per the Promotion of Access to Information Act 2 of 2000. It is important to take note that not all information requested may be disclosed. Disclosure of information shall take place in accordance with the PAIA Act.

## **19. QUALITY OF PERSONAL INFORMATION**

- 19.1. It is the user's responsibility to check the accuracy of the information prior to submission to Da Vinci. On receipt of the information, Da Vinci will assume that the user has checked it, and that the information is accurate.
- 19.2. The user has to contact the Registry if the information that is held about a user/the student needs to be corrected or updated. The request to update information may take up to 48 (forty eight) hours to execute;
- 19.3. Da Vinci will endeavour to the best of its ability to make available to the user any means to amend the information by the user self.

## **20. REVIEW OF THIS POLICY**

Regular review and amendment of this policy will be done in line with the approved institutional policies. This will take place in consultation with the relevant quality assurance structures at departmental and institutional level, under the auspices of the official custodian of this policy, namely the Registrar.