



## Eastern Cape Department of Education Personal Information Retention Policy 2025

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**DATE**

Policy reviewed and endorsed by:

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**CORPORATE STRATEGY MANAGEMENT**

**25/06/2025**

**DATE**

Policy approved by:

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**HEAD OF DEPARTMENT**

**28/06/2025**

**DATE**



## 1. Introduction

The right to privacy, as enshrined in Section 14 of the Constitution of South Africa (1996), is fundamental. To uphold this right, the Protection of Personal Information Act (POPIA), Act 4 of 2013, was enacted to regulate the processing of personal data. POPIA mandates that personal information must not be retained longer than necessary unless:

- Required or permitted by law;
- Needed for lawful operational purposes;
- Required by contractual agreement; or
- Consent has been given by the data subject or their guardian (in the case of minors).

To comply with these requirements, the ECDoE has developed this policy to guide the retention of personal information.

## 2. Definitions

- (a) **POPIA**: Protection of Personal Information Act 4 of 2013.
- (b) **PAIA**: Promotion of Access to Information Act 2 of 2000.
- (c) **Personal Information**: Any data that identifies a living person or, where applicable, a juristic person.
- (d) **Processing**: Any operation involving personal information, including collection, storage, use, dissemination, or destruction.
- (e) **Data Subject**: The individual to whom the personal information relates.
- (f) **Record**: Any recorded information, regardless of format or medium.

## 3. Regulatory Framework

This policy is informed by the following legislation:

- Constitution of the Republic of South Africa, 1996
- National Archives and Records Service Act, 1996
- Promotion of Access to Information Act, 2000
- Protection of Personal Information Act, 2013
- Provincial Archives and Records Service Act (Eastern Cape), 2003
- Public Finance Management Act, 1999
- Public Service Act, 1994

## 4. Policy Objectives

The policy aims to:

- Ensure lawful retention of personal information;



- Protect the privacy rights of individuals;
- Align with POPIA and related legislation;
- Prevent unauthorized or excessive retention of personal data.

## 5. Scope

This policy applies to all ECDoE employees handling personal information. It complements existing policies on records management, ICT, and security, and is particularly relevant as ECDoE transitions to digital systems.

## 6. Applicability

All ECDoE employees are responsible for protecting personal information, regardless of their role or department.

## 7. Categories of Personal Information

The ECDoE processes personal data from:

- **\*\*Natural Persons\*\***: Includes names, contact details, demographic data, health, education, employment history, and biometrics.
- **\*\*Juristic Persons\*\***: Includes entity names, contact details, registration numbers, and employee information.
- **\*\*Employees\*\***: Includes personal, employment, and biometric data, as well as next-of-kin and beneficiary information.

## 8. Retention Guidelines

Personal information must only be retained as long as necessary unless:

- Required by law;
- Needed for operational purposes;
- Required by contract;
- Consent has been obtained.

Records may be retained longer for historical, statistical, or research purposes if safeguards are in place. If used to make decisions about individuals, records must be kept for a legally prescribed period or long enough to allow access requests under PAIA.

When no longer authorized to retain records, ECDoE must securely destroy or de-identify them to prevent reconstruction.

## 9. Institutional Responsibilities

This policy must be accessible to all staff and included in POPIA awareness training, as required by Regulation 4(1)(e) of the 2018 POPIA Regulations.



## 10. Policy Review

This policy will be reviewed every five years or sooner if legislative or operational changes necessitate updates.