IN THE HIGH COURT OF SOUTH AFRICA **GAUTENG DIVISION, PRETORIA**

Case No: 1652 / 2022

Before the Honourable Millar On this the 18TH January 2022

In the application between:

ANLÉ SPIES

and

AFRIFORUM NPC

MAROELA MEDIA LTD

Private Bag X67, Pretoria 0001

2022 -01- 18

CD-PRET-002

First Applicant

Second Applicant

Third Applicant

THE MINISTER OF BASIC EDUCATION

First Respondent

Second Respondent

Third Respondent

THE INFORMATION OFFICER OF THE DEPARTMENT OF BASIC EDUCATION

THE INFORMATION REGULATOR

OF SOUTH AFRICA

THE CHIEF DIRECTOR: MEDIA LIAISON,

NATIONAL AND PROVINCIAL

COMMUNICATION, DEPARTMENT OF BASIC

EDUCATION

Fourth Respondent

DRAFT ORDER

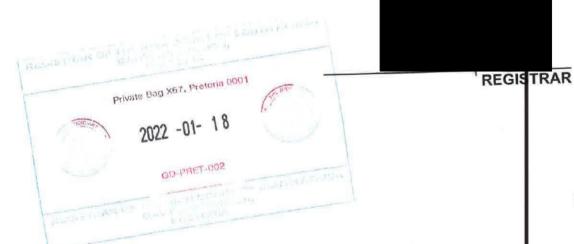
Having read the papers and hearing counsel for the Applicants the following order is made:

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 That the non-compliance with the normal rules and timeframes be condoned and the application be enrolled and treated as urgent in terms of Rule 6(12);

2.

- 2.1 The First Respondent is ordered to publish the National Senior Certificate results on public platforms (media platforms) as was the practice in previous years, concurrently with making available the results to the schools that had been attended by the learners.
- 2.2 The publication ordered in 2.1 above is not to reflect the first names and/or surnames of any of the learners.
- The resolution of the First, <u>alternatively</u> Fourth Respondent as reflected in a letter dated 10 January 2022, annexed hereto as "NoM1" is set aside.
- 4. The First Respondent is ordered to pay the Applicants costs on an unopposed scale.





basic education

Department: Basic Education REPUBLIC OF SOUTH AFRICA

Private Bag X895, Pretoria, 0001, Sol Plaatje House, 222 Struben Street, Pretoria, 0002, South Africa Tel: (012) 357 3000, Fax: (012) 323 0601, www.education.gov.za

10 January 2022

Dear Sir/Madam

TO WHOM IT MAY CONCERN

The Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (the POPIA) came into effect on I July 2021. The DBE recognizes that section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. This right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information. In order to comply with the provisions of the POPIA, the usual practice of publishing the national senior certificate (NSC) results on public platforms (media platforms) will not occur for 2021. As was also the practice in previous years all learners will be required to obtain their statement of results from the schools they attended. In this way every learner's personal information with regards to the outcome of their national senior certificate exam will be protected.

Best Regards

Elijan Mhlanga

Chief Director: Media Liaison, National and Provincial Communication

Department of Basic Education

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