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"X" 18/1/2022

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: 1652 / 2022

Before the Honourable Miller J
On this the 18TH January 2022

In the application between:

ANLÉ SPIES

First Applicant

AFRIFORUM NPC

Second Applicant

MAROELA MEDIA LTD

Third Applicant

and

THE MINISTER OF BASIC EDUCATION

First Respondent

**THE INFORMATION OFFICER OF THE
DEPARTMENT OF BASIC EDUCATION**

Second Respondent

**THE INFORMATION REGULATOR
OF SOUTH AFRICA**

Third Respondent

**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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1. 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.
3. The resolution of the First, alternatively 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.



REGISTRAR

**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 1 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


Elijah Mhlanga

Chief Director: Media Liaison, National and Provincial Communication
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