**DATE OF PUBLICATION OF INTERNAL QUESTION PAPER: 18/02/2022**

**INTERNAL QUESTION PAPER: 02/2022**

**261.   Mr M G E Hendricks (Al Jamah-ah) to ask the Minister of Basic Education: to ask the Minister of Basic Education:**

(1)       Given that Matric results are released under the exam numbers and clearly not contravening the Protection of Personal Information Act, Act 4 of 2013, and in light of the High Court ruling that Matric results be published on public platforms, what rationale did she use in her decision not to have the Matric results published in the printed media and on other public platforms;

(2)       whether she will reconsider the decision and/or advice of officials, as their actions clearly embarrassed her Office; if not, why not; if so, what are the relevant details?

**Response**

(1) It needs to be understood that the application of the Protection of Personal Information Act (POPI), Act 4 of 2013, in its current context, is new and there are no settled interpretations to some of the clauses in the Act.  The Department therefore, consulted extensively on this matter, specifically with regard to whether the examination numbers of candidates constitutes the personal information of the learner, before a decision could be made.  Besides the legal advice that was sought on this matter, the DBE also engaged the Information Regulator on this matter, both in writing and in meetings.

The DBE was reminded by the Regulator that the Department could be penalised if found to be violating the prescripts of the POPI Act.  Therefore, the DBE adopted the cautious approach not to publish the results of the 2021 candidates in the media, and use this year to investigate this matter more thoroughly and extensively, to ensure a more considered and fully explored option is implemented for the Class of 2022.  This position was adopted in consideration that no candidate would be disadvantaged, given that the complete results of the candidates were available at the school, on the morning of the release under supervised conditions, and also the results were available on the DBE website.

(2) There was certainly no embarrassment to the Department, given the fact that this matter was open to different legal interpretations.  We therefore, had no issue in complying with the order of the court.  In terms of future years, through the learner application forms, we will obtain from each Grade 12 learner and their parents, their individual consent with regard to the publication of their results in the media at the end of this year.