



INFORMATION REGULATOR (SOUTH AFRICA)

*Ensuring protection of your personal information
and effective access to information*

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MEDIA STATEMENT

INFORMATION REGULATOR'S REACTION TO MATRIC RESULTS COURT DECISION

8 JANUARY 2025

The Information Regulator (Regulator) notes the decision by Judge Ronel Tolmay to strike off the roll the application brought on an urgent basis by the Regulator on the matter of the publication of matric results in the newspapers by the Department of Basic Education (DBE).

Naturally, the Regulator is disappointed that the decision was not in its favour.

The Regulator's urgent application was about compliance with the Protection of Personal Information Act (POPIA) and the enforcement of the orders made by the Regulator to the DBE.

The Regulator welcomes judicial processes that may help to illuminate certain aspects of POPIA, particularly on the issue of the obligations of responsible parties in complying with the orders of the Regulator and in protecting personal information that they hold about data subjects, such as the matriculants in this case.

Today, Judge Tolmay found that our argument for urgency of the matter was not substantiated. The primary implication of the High Court's decision is that the DBE is likely to proceed with their intention to publish the 2024 matric results in the newspapers as they had indicated recently.

If the DBE is to proceed with the publication of the results in the newspapers, they will still be guilty of non-compliance with the Regulator's orders. This is because the Regulator's orders are not suspended by the High Court's decision today, nor by any appeal. No appeal is currently before the Court.

Additionally, the High Court's decision today means that the matter will then have to be heard in the normal course insofar as the orders relating to the 2025 results are concerned. The decision of the High Court today does not mean that the processing of personal information of the matriculants, by publishing their exam numbers and results, is lawful. The Regulator maintains that position and the merits of our case will be dealt with should the DBE lodge an appeal which will be heard, possibly on an expedited basis.

Until such time as an appeal against the orders of the Regulator is brought before Court, the Regulator will continue to expect compliance with its orders and will do what is provided for in the law to enforce its orders.

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ISSUED ON BEHALF OF THE INFORMATION REGULATOR OF SOUTH AFRICA.