

UNIVERSITY OF THE WESTERN CAPE

***MANUAL FOR ACCESS TO A RECORD OF THE UNIVERSITY OF THE WESTERN CAPE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO 2 OF 2000.***

CONTENTS OF MANUAL

1. INTRODUCTION AND SCOPE OF THE APPLICATION
2. THE UNIVERSITY'S STRUCTURES AND THEIR FUNCTIONS
3. INFORMATION OFFICERS AND DEPUTY INFORMATION OFFICERS: CONTACT DETAILS
4. APPLICATION FORM
5. FEES PAYABLE
6. PROCEDURES FOR APPLYING FOR ACCESS TO INFORMATION
7. TIME LIMITS FOR DEALING WITH REQUESTS
8. REFUSAL TO GRANT ACCESS TO INFORMATION
9. DESCRIPTION OF THE SUBJECTS ON WHICH THE UNIVERSITY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT
10. CATEGORIES OF RECORDS WHICH REQUIRE NO FORMAL REQUEST FOR ACCESS (SECTION 15)
11. DESCRIPTION OF THE UNIVERSITY'S SERVICES AVAILABLE TO THE PUBLIC AND HOW TO GAIN ACCESS
12. PARTICIPATION IN POLICY OR DECISION-MAKING BODIES OF THE UNIVERSITY (SECTION 14{G})
13. REMEDIES AVAILABLE I R O AN ACT OR FAILURE TO ACT BY THE UNIVERSITY
14. OTHER INFORMATION AVAILABLE AS PRESCIBED BY THE ACT.

**Annexure:** "A"- FORM LS 226

**Appendix:** "A" Protection of Personal Information

## 1. INTRODUCTION AND SCOPE OF THE MANUAL

Section 32 (1) of the Constitution of the Republic of South Africa, Act 108 of 1996, states that –

“Everyone has the right of access to

- (a) any information held by the state; and
- (b) any information that is held by another person and that it is required for the exercise or protection of any rights.”

Subsection (2) states that national legislation must be enacted to give effect to this right.

It is against this background that the Promotion of Access to Information Act, Act 2 of 2000 (hereinafter referred to as “the Act”) was promulgated on 7 July 2000. The Act came into operation on 15 September 2000.

The stated objective of the Act is to promote a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, as well as to actively promote a society in which the people of South Africa have effective access to information to enable them to fully and thoroughly exercise and protect their rights.

Section 11 determines that a requester must be given access to the record of a public body if the requester complies with all the procedural requirements of the Act relating to a request for that record, and if access to that record is not denied on any grounds of refusal as stated in the Act.

A requester’s right to access is further not affected by any reasons the requester gives for requesting access or the information officer’s belief as to what the requester’s reasons are for requesting access.

Section 3 of the Act determines that the Act is applicable to the record of a public and a private body regardless of when it was created. Tertiary institutions are designated by the Act as public bodies.

“*Record*” is defined in the Act as any recorded information, regardless of form or medium, in the possession or under the control of that public or private body, respectively, and whether or not that private or public body created it, respectively.

The Act is applicable to the exclusion of any other provision of other legislation that prohibits or restricts the disclosure of a record of a public or private body and which is materially inconsistent with an object, or specific provision of the Act.

## 2. THE UNIVERSITY’S STRUCTURES AND THEIR FUNCTIONS

### 2.1 *Council*

#### 2.1.1 Functions:

As prescribed in terms of Section 27 of the Higher Education Act, Act 101 of 1997, as amended.

#### 2.1.2 Composition:

As prescribed in terms of S8.2 of the Statute of the University of the Western Cape, 2018.

### 2.2 *Senate*

#### 2.2.1 Functions:

As prescribed in terms of Section 28 of the Higher Education Act, Act 102 of 1997, as amended.

#### 2.2.2 Composition:

As prescribed in terms of S9.2 of the Statute of the University of the Western Cape, 2018

### **2.3 *Institutional Forum***

#### **2.3.1 Functions:**

As prescribed in terms of Section 31 of the Higher Education Act, Act 101 of 1997, as amended.

#### **2.3.2 Composition:**

As prescribed in terms of S10.2 of the Statute of the University of the Western Cape, 2018.

### **2.4 *Committees of Council and Senate***

#### **2.4.1 Functions:**

As prescribed in terms of Section 29 of the Higher Education Act, Act 101 of 1997, as amended.

#### **2.4.2 Composition:**

As prescribed in terms of S 11 of the Statute of the University of the Western Cape, 2018 and the institutional rules of the university.

### **2.5 *Rector***

#### **2.5.1 Functions**

As prescribed in terms of Section 30 of the Higher Education Act, Act 101 of 1997 as amended and Sections 6.1 of the Statute of the University of the Western Cape, 2018

## **3. CONTACT DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS**

### **3.1 Information Officer**

#### **3.1.1 Name: Prof T Pretorius - Rector**

Street Address: University of the Western Cape, Robert Sobukwe Road, Bellville, 7535.

Postal Address: Private Bag X17, Bellville, 7535

Telephone No: 021-9592220

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

### **3.2 Deputy Information Officers**

#### **3.3 Deputy Information Officers**

##### **3.3.1 Name Dr. N Lawton-Misra - Registrar**

Street Address: University of the Western Cape, Robert Sobukwe Road, Bellville, 7535.

Postal Address: Private Bag X17, Bellville, 7535

Telephone No: 021-9592102

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

##### **3.3.2 Name: Prof V Lawack–**

##### **Vice-Rector: Academic**

Street Address: University of the Western Cape, Robert Sobukwe Road, Bellville, 7535

Postal Address: Private Bag X17, Bellville, 7535

Telephone No: 021-9592142

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

##### **3.3.3 Name: Prof J Frantz– Vice-Rector: Research and Innovation**

Street Address: University of the Western Cape, Robert Sobukwe Road, Bellville, 7535

Postal Address: Private Bag X17, Bellville, 7535

Telephone No: 021-9593245

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

**3.3.4 Name: Prof P Dube – Vice-Rector: Student, Development and Support**

Street Address: University of the Western Cape, Robert Sobukwe Road,  
Bellville, 7535

Postal Address: Private Bag X17, Bellville, 7535

Telephone No: 021-9593590

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

**3.3.5 Name: Mr M Regal – Executive Director: Finance**

Street Address: University of the Western Cape, Robert Sobukwe Road  
Bellville, 7535

Postal Address: Private Bag X17, Bellville, 7535

Telephone No: 021-9592694

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

**3.3.6 Name: Mr M Magida – Executive Director: Human Resources**

Street Address: University of the Western Cape, Robert Sobukwe Road,  
Bellville, 7535

Postal Address Private Bag X17, Bellville, 7535.

Telephone No: 021-9593333

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

**3.3.7 Name: Mr S Rajie – Director: Legal Services**

Street Address: University of the Western Cape, Robert Sobukwe Road,  
Bellville, 7535

Postal Address Private Bag X17, Bellville, 7535.

Telephone No: 021-959 3900

Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

## 4. APPLICATION FORM

Any person wishing to make an application for access to a record of the University of the Western Cape in terms of the provisions of the Act, should do so on the prescribed form (**Form LS226**) which is available from the Registrar's Office at the following address:

The Registrar  
University of the Western Cape  
Private Bag X17  
Bellville,  
7535  
Telephone No. 021-9593900  
Electronic mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

The application form must be completed in full and must be accompanied by the prescribed fees outlined below.

## 5. FEES PAYABLE

### 5.1 Application fee

Each application must be accompanied by an **application fee of R35-00** (thirty-five rand) and is non-refundable. In addition, the University is entitled to charge an **access fee** depending on the nature and volume of the information and the format in which it is to be supplied. For this purpose, the University may request a **deposit fee** once the application has been granted to offset the access fee. It is most likely that the deposit fee may not cover the access fee in which case, the applicant will be requested to settle the balance timeously. If an overpayment has been made, the University will reimburse the applicant. Fifty (50) % of the access fee is payable as a deposit by the requester and is payable on request.

The following fees are currently payable for access fees and may change over time (fees are inclusive

of VAT).

### **5.2 Fees for Reproduction**

For every photocopy of an A4-size page or part thereof (black and white)	R5,00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form (black and white)	R5,00
For a copy in a computer-readable form on a stiffy disc (each)	R10,00
For a copy in a computer-readable form on a compact disc	R40,00
For a transcription of visual images per A4-size page or part thereof	R20,00
For a copy of visual images	R60,00
For a transcription of an audio record per A4-size page or part thereof	R20,00
For a copy of an audio record per 60 minute cassette	R20,00

### **5.3 Access fees payable if not exempted under Section 22(8) of the Act**

For every photocopy of an A4-size page or part thereof (black and white)	R5,00
For every printed copy of an A4-size or part thereof held on a computer or in electronic or machine-readable form (black and white)	R5,00
For a copy on a computer-readable form on a stiffy disc (each)	R10,00
For a copy on a computer-readable form on a compact disc (each)	R40,00
For a transcription of visual images on A4-size page or part thereof	R20,00
For a copy of visual images	R60,00
For a transcription of an audio record on an A4-size page or part thereof	R20,00
For a copy of an audio record	R20,00
To search for a record for disclosure, excluding the first hour, reasonably required for such search, per hour or part thereof	R20,00

### **5.4 Payment of Fees**

Fees payable must be deposited against the following **account number**:

**BANK:** ABSA BANK  
**BRANCH CODE:** 56081047  
**ACCOUNT NO:** 4050893930  
**ENTITY/REF NO:** 121007

Alternatively, the fees can be paid at the University cashiers in cash, by cheque or postal order on the Ground Floor, Central Administration Building between 08:30 – 16:30 Mondays to Fridays.

Payments made by mail should be addressed to:

The Registrar,  
Deputy Information Officer  
University of the Western Cape  
Private bag X17  
Bellville  
7535.

## **6. PROCEDURE FOR THE APPLICATION FOR ACCESS TO INFORMATION**

A requester must submit the completed application form (**Form LS226**) together with proof of payment of the required fee, unless exempted, by hand, by mail or by email to the University's Deputy Information Officer (see par.3.2.1 for full address). Please attach a copy of the proof of payment or written confirmation of exemption issued by the University's Information Officer or Deputy Information Officer(s).

***Please note that an application may be rejected if it does not comply with the provisions of the Act.***

## **7. TIME LIMITS FOR DEALING WITH REQUESTS**

It is required of the University to notify a requester whether the request has been granted or denied within 30 days of receipt of a request.

Should the University not respond within the prescribed time limits, a requester may deduce that the University refuses to grant access to the required information. The requester may in such event bring an application to court. Please note that the University is not required to provide for an appeal process, and no such appeal process is thus available.

## **8. REFUSAL TO GRANT ACCESS TO INFORMATION**

The University may legitimately refuse to grant access to information in terms of Sections 33 to 45 of the Act, and on the grounds as set out in the Protection of Personal Information Act (POPIA). A requester may, in terms of Sections 78 to 82 of the Act, lodge an application to court for access to information.

## **9. DESCRIPTION OF THE SUBJECTS ON WHICH THE INSTITUTION HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT**

### ***9.1 Council***

- 9.1.1 Agendas and minutes of meetings
- 9.1.2 List of members
- 9.1.3 Standing Orders of committees reporting to Council
- 9.1.4 Appointment and remuneration of Executive Members

### ***9.2 Executive Committee of Council***

- 9.2.1 Agendas and minutes of meetings
- 9.2.2 List of members

### ***9.3 Senate***

- 9.3.1 Agendas and minutes of meetings
- 9.3.2 List of members
- 9.3.3 Standing Orders of committees reporting to Senate

### ***9.4 Executive Committee of Senate***

- 9.4.1 Agendas and minutes of meetings
- 9.4.2 List of members

### ***9.5 Institutional Forum***

- 9.5.1 Agendas and minutes of meetings
- 9.5.2 List of members

### ***9.6 Management Committee***

- 9.6.1 Agendas and minutes
- 9.6.2 List of members

### ***9.7 Student Related matters***

- 9.7.1 Academic records
- 9.7.2 Student files
- 9.7.3 Financial records
- 9.7.4 Student profiles and statistics
- 9.7.5 Student disciplinary records
- 9.7.6 Student unions, bodies and associations

### **9.8 Financial Matters**

- 9.8.1 Financial records
- 9.8.2 Audit reports
- 9.8.3 Finance Committee of Council agendas and minutes
- 9.8.4 List of members of the Finance Committee of Council

### **9.9 Human Resources**

- 9.9.1 Appointment and remuneration of staff
- 9.9.2 Conditions of employment
- 9.9.3 HR policies and procedures
- 9.9.4 Employment equity policy and plans
- 9.9.5 Human Resources Committee of Council agendas and minutes
- 9.9.6 Staff disciplinary records

### **9.10 Academic Matters**

- 9.10.1 Faculty Board agendas and minutes of meetings
- 9.10.2 Departmental agendas and minutes of meetings
- 9.10.3 Faculty Yearbooks (admission criteria, promotion rules, syllabi and curriculum information).
- 9.10.4 Documented internal administrative procedures and guidelines

### **9.11 Personal Information as set out in Appendix 1 hereto.**

## **10. CATEGORIES OF RECORDS AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS THERETO (SECTION 15)**

- 10.1 Information available on the University's Website
- 10.2 General Yearbooks, Faculty Yearbooks and University Prospectus.
- 10.3 Annual Reports

## **11. DESCRIPTION OF THE UNIVERSITY'S SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC AND HOW TO GAIN ACCESS TO THESE SERVICES**

Access to the University's services is normally limited to its staff and students. However, requests for access to certain services, such as visitations to the Cape Flats Nature Reserve, should be directed to Head of Unit:

UWC Nature Reserve.  
University of the Western Cape  
Private Bag X17  
Bellville,  
7535  
Tel: (021) 959-3274

## **12. PARTICIPATION IN POLICY OR DECISION-MAKING BODIES OF THE UNIVERSITY {SECTION 14(g)}**

- 12.1 Students and staff may participate in policy and decision-making processes of the University in accordance with the provisions of the Higher Education Act, Act 101 of 1997, as amended, as well as in terms of those internal procedures as agreed with students and staff representative bodies from time to time.
- 12.2 Other interested persons may submit their comments and proposals in writing to the Registrar at the address stated in paragraph 4 above.

### **13. A DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE UNIVERSITY**

- 13.1 A student or member of the public may lodge a complaint in writing with the Registrar.
- 13.2 The staff members may utilize the University's internal Grievance Procedure.
- 13.3 If the complaint is in respect of an act or a failure to act in terms of the Promotion of Access to Information Act, Act 2 of 2000, the complainant may take such steps as provided for in section 74 to 82 of the Act.

### **14. OTHER INFORMATION**

For any other information not contained in this manual, kindly contact the Information Officer, a Deputy Information Officer or the Registrar at the contact details as provided in 5.1 above. Alternatively visit our website at <http://www.uwc.ac.za> . This manual is available in Afrikaans at the same website.

This manual will be updated annually.



## ANNEXURE A

*UNIVERSITY OF THE WESTERN CAPE***APPLICATION FOR ACCESS TO A RECORD**

(Section 18(1) of the Promotion of Access to Information, Act No 2 Of 2000)

**A: Particulars of the institution**

The Registrar  
 Deputy Information Officer  
 University of the Western Cape  
 Private Bag X17  
 BELLVILLE  
 7535  
 TEL: 021-9592111  
 E-mail: [paia\\_rfa@uwc.ac.za](mailto:paia_rfa@uwc.ac.za)

**PLEASE NOTE: Requests for information in terms of the Promotion of Access to Information Act, Act No. 2 of 2000, will only be processed if the attached application form has been completed in full, signed by the relevant requestor and the applicable fees have been paid.**

FOR OFFICE USE ONLY			
Reference number:			
Request received by: (name of information officer)			
On (date)		at:	
Request fee:	R	Receipt nr:	
Deposit:	R	Receipt nr:	
Access fee:	R	Receipt nr:	
Signature of Information Officer:			

**B. Particulars of person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and / or fax number in the Republic, to which the information is to be sent, must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. **Description of record or relevant part of the record:** \_\_\_\_\_

2. **Reference number, if available:** \_\_\_\_\_

\_\_\_\_\_

3. **Any further particulars of record:** \_\_\_\_\_

\_\_\_\_\_

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided

Disability: \_\_\_\_\_

Form in which record is required: \_\_\_\_\_

Mark the appropriate box with a **X**.  
**NOTES:**  
 (a) Compliance with your request for access in the specified form may depend on the form in which the record is available:  
 (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.  
 (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form:**

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If record consists of visual images –**  
 (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

	View the images		Copy of the images*		Transcription of images *
--	-----------------	--	---------------------	--	---------------------------

**3. If record consists of recorded words or information, which can be reproduced in**

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
--	---	--	--

**4. If record is held on computer or in an electronic or machine-readable form:**

	Printed copy or record*		Printed copy of information derived from the record*		Copy in computer readable form* (Compact disc or USB)
--	-------------------------	--	--	--	---

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>	YES	NO
---	-----	----

**Note that if the record is not available in the language you prefer access may be granted in the language in which the record is available.**

In which language would you prefer the record? \_\_\_\_\_

**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

---

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

-----  
SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE

**PROTECTION OF PERSONAL INFORMATION**

**1. INTRODUCTION**

The Protection of Personal Information Act, 2013 (POPIA) promotes the protection of personal information processed by public and private bodies and introduces certain conditions so as to establish minimum requirements for the processing of personal information.

This **Appendix A** to the *Manual for Access to a Record of the University of the Western Cape in terms of the Promotion of Access to Information Act, no 2 of 2000* is applicable to the request for access to personal information records of data subjects processed by the University of the Western Cape (“the University”).

This Appendix should be read with the University’s Protection of Information Policy, Information Security Policy, and Documents Records and Archives Management Policy.

**2. DEFINITIONS<sup>1</sup>:**

<p><b>Personal information</b></p>	<p><b>‘Personal information’</b> means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –</p> <ul style="list-style-type: none"> <li>(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;</li> <li>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</li> <li>(c) any identifying number, symbol, email address, physical address, telephone number,</li> </ul>
------------------------------------	--

<sup>1</sup> USAf POPIA Industry Code of Conduct: Public Universities (September 2020)

	<p>location information, online identifier or other particular assignment to the person;</p> <p>(d) the biometric information of the person;</p> <p>(e) the personal opinions, views or preferences of the person;</p> <p>(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.</p>
<p><b>Special personal information</b></p>	<p><b>‘Special personal information’</b> means</p> <p>(a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or</p> <p>(b) the criminal behaviour of a data subject to the extent that such information relates to –</p> <p>(i) the alleged commission by a data subject of any offence; or</p> <p>(ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.</p>
<p><b>Data subject</b></p>	<p><b>‘Data subject’</b> means the person to whom personal information relates.</p>

	<p>Data subjects may include:</p> <ul style="list-style-type: none"> <li>• prospective students</li> <li>• student applicants</li> <li>• South African and international students</li> <li>• exchange students</li> <li>• post-doctoral fellows</li> <li>• alumni</li> <li>• academic and administrative staff</li> <li>• employment candidates</li> <li>• external members of committees</li> <li>• employees</li> <li>• researchers</li> <li>• research participants</li> <li>• authors</li> <li>• council members</li> <li>• service providers, suppliers, independent contractors</li> <li>• partner organisations</li> <li>• subsidiaries</li> <li>• donors and funders</li> <li>• visitors - members of the public.</li> </ul>
<p><b>Processing</b></p>	<p><b>‘Processing’</b> means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –</p> <ul style="list-style-type: none"> <li>(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</li> <li>(b) dissemination by means of transmission, distribution or making available in any other form; or</li> <li>(c) merging, linking, as well as restriction, degradation, erasure or destruction of information.</li> </ul>

<b>Record</b>	A <b>'record'</b> includes any form or medium and includes writing on any material, digital or computerised record, books, graphs, photographs, films, and tape recordings.
<b>Recipient</b>	<b>'Recipient'</b> means a natural or legal person, public authority, agency or another body, to which the personal data may be disclosed to, whether outside of the University (a third party) or internal to the University.

### 3. APPLICATION OF POPIA

3.1 POPIA applies when the personal information is entered into a record by automated or non-automated means by the University and forms part of or is intended to form part of a filing system.

3.2 The University processes personal information of data subjects.

3.3 Processing is defined to include:

- (i) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (ii) **dissemination by means of transmission, distribution or making available in any other form;** or
- (iii) merging, linking, as well as restriction, degradation, erasure or destruction of information.

### 4. THE UNIVERSITY'S DATA SUBJECTS

The University processes personal information of, amongst others, the following data subjects, categorized in accordance with data subjects:

#### 4.1 Students

- prospective students
- student applicants
- South African and international students
- exchange students
- post-doctoral fellows
- alumni

#### 4.2 Staff

- academic and administrative staff
- employment candidates
- employees

#### 4.3 Research

- researchers



- external members of committees
- research participants
- external examiners
- funders

#### **4.4 Third party**

- authors
- council members
- external committee members
- service providers, suppliers, independent contractors
- partner organisations
- subsidiaries
- donors and funders
- visitors
- members of the public

#### **4.5 ICT**

Cuts-across all of the above categories.

### **5. PERSONAL INFORMATION THAT MAY BE PROCESSED BY THE UNIVERSITY**

#### **5.1 Student Data**

- (j) Biographical information
- (ii) Unique identification information
- (iii) Medical records
- (iv) Mental health records
- (v) Disability information
- (vi) Next of kin information, biography and contact information
- (vii) Academic records
- (viii) Disciplinary records
- (ix) Personal login details
- (x) Video recordings and facial recognition
- (xi) Financial statements, bank statements and invoices

#### **5.2 Staff Data**

- (i) Biographical information
- (ii) Unique identification information
- (iii) Medical records
- (iv) Mental health records
- (v) Disability information

- (vi) Next of kin information, biography and contact information
- (vii) Biographical information of spouse, children and/beneficiaries of pension/provident fund and/or life insurance
- (viii) Academic records
- (ix) Disciplinary records
- (x) Personal login details
- (xi) Video recordings and facial recognition
- (xii) Financial statements, bank statements and invoices
- (xiii) Salary records
- (xiv) SARS information
- (xv) Marriage status and certificate
- (xvi) Criminal or criminal clearance records

### **5.3 Third Party Data**

- (i) Biographical information
- (ii) Company or organization information
- (iii) Company or organization registration information
- (iv) Director(s), members or partners identity documents (Unique identification information)
- (v) Proof of address
- (vi) BBBEE status
- (vii) Disability information
- (viii) Marital status, if relevant, next of kin information, biography and contact information
- (ix) Income, financial statements, bank statements and invoices
- (x) SARS, including VAT registration information
- (xi) Criminal or criminal clearance records

### **5.4 Research Data**

See: Student Data (5.1) in respect of student research data subjects and researchers and Staff Data (5.2) in respect of staff research data subjects and researchers and Third Party Data (5.3) in respect of external examiners and funders.

## **6. PURPOSE FOR WHICH PERSONAL INFORMATION MAY BE PROCESSED**

6.1 Personal information may be processed by the University to:

- 6.1.1 Conclude a contract or to perform in terms of-a contract. For example, student applications and employment contracts;
- 6.1.2 comply with an obligation imposed by law;
- 6.1.3 protect a legitimate interest of the data subject;
- 6.1.4 ensure proper performance of a public law duty of the University;
- 6.1.5 ensure the legitimate interest of the responsible party or of a third party.

## **7. WHEN PERSONAL INFORMATION MAY BE PROCESSED**

7.1 Personal information may be processed with the consent of the data subject or a competent person where the data subject is a child.

7.2 The processing of personal information is justified.

7.3 The processing of **special personal information** is justified if:

- 7.3.1 The establishment, exercise or defence of a right in law
- 7.3.2 International public law
- 7.3.3 Historical, statistical, or research purposes
- 7.3.4 The information has deliberately been made public by the data subject
- 7.3.5 The data subject gave consent
- 7.3.6 The information may be processed for health reasons

## **8. CROSS-BORDER TRANSFER OF PERSONAL INFORMATION**

If personal information is shared with a recipient in another country, additional rules apply to ensure that the personal information enjoys equal protection outside of South Africa.

8.1 Personal information may only be shared with a recipient in another country if:

- 8.1.1 That country has data protection legislation that provides an adequate level of protection which is substantially similar to the POPIA and which also includes a section on further transfer of the information to other countries.
- 8.1.2 The recipient is bound by '*binding corporate rules*' that provide an adequate level of protection which is substantially similar to the POPIA, and which also includes a section on the further transfer of the information to other countries.
- 8.1.3 The institution is bound by an agreement that provides an adequate level of protection that is substantially similar to the

POPIA and which also includes a section on the further transfer of the information to other countries.

8.1.4 The data subject has consented to the transfer

8.1.5 The transfer of the personal information is necessary for the performance of a contract between the data subject and the responsible party or a third party, or for the implementation of pre-contractual measures taken on instruction from the data subject.

8.1.6 It was not practical to obtain consent, but the transfer is to the benefit of the data subject and if it were possible to ask consent, the data subject likely would have consented.

8.2 Prior authorisation from the Information Regulator may be required if the personal information of children is to be shared with a third party in a foreign country that does not provide an adequate level of protection.

## **9. INFORMATION SECURITY**

The University takes reasonable security measures in the processing of personal information. Readers are encouraged to read the Information Security Policy of the University.

## **10. RECIPIENTS OF PERSONAL INFORMATION PROCESSED BY THE UNIVERSITY**

Recipients of personal information processed by the University may include:

- 10.1 other universities;
- 10.2 funders;
- 10.3 researchers;
- 10.4 government departments;
- 10.5 once-off requests for access to single records (e.g. when a parent requests access to their child's personal information);
- 10.6 third parties (e.g. service providers).

## **11. ACCESS TO INFORMATION REQUESTS BY THIRD PARTIES NOT GOVERNED BY A CONTRACT BETWEEN THE UNIVERSITY AND THE REQUESTER**

### **11.1 Data subject's access to their own information**

#### **11.1.1 The right to access**

- 11.1.1.1 Section 23 of the POPIA provides that data subjects are entitled to:
  - (i) confirmation (free of charge) of whether the institution has their personal information;

- (ii) request a record or a description of the personal information the institution has; and
  - (iii) know the identity of all third parties, or categories of third parties who have, or have had, access to the personal information.
- 11.1.1.2 Data subjects will be given access to their data, subject to the request for information process as set out in the ***Manual for Access to a Record of the University of the Western Cape in terms of the Promotion of Access to Information Act, no 2 of 2000***:
- (i) within a reasonable time;
  - (ii) at a prescribed fee, if any;
  - (iii) in a reasonable manner and format; and
  - (iv) in a format that is understandable.
- 11.1.1.3 An access request by the data subject can be denied on the grounds for refusal of access to records in the Promotion of Access to Information Act.

## **11.2 Access requests by third parties**

- 11.2.1 Section 34 of the Promotion of Access to Information Act will apply to requests for access to personal information of data subjects by third parties. The default rule is that an institution must only disclose information of someone other than the requester if it is reasonable to do so.
- 11.2.2 Section 34(2) of the Promotion of Access to Information Act lists exceptions to the default rule:
- (i) The data subject consented in writing to the disclosure.
  - (ii) The data subject was informed that their personal information would or might be made available to the public.
  - (iii) The personal information is already publicly available.
  - (iv) The requester is providing medical treatment to the data subject and the data subject is over the age of 18 years and cannot provide the information themselves and providing the information is in the data subject's best interest.
  - (v) If the data subject is deceased.
  - (vi) If the data subject is an official of a public body and the information requested relates to the person's position or function, their contact details at work, information relating to their remuneration and their job description, or if the data subject's name appears on a record the data subject created in the course of their employment.