POLICY 8: PAIA AND POPIA POLICY
**NIHSS**  
**INFORMATION TECHNOLOGY POLICY MANUAL**

**POLICY 8: PAIA AND POPIA POLICY**

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1. INTRODUCTION

1.1 Applicable Legislation

1.1.1. Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information. The purpose of PAIA is to give effect to section 32 of the Constitution. Section 32 provides for “the right of access to information” and states that “everyone has the right of access to any information held by the State and to information held by another person that is required for the exercise or protection of any rights.”

1.1.2. PAIA gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the NIHSS is obliged to release such information unless the PAIA Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a requestor must meet, as prescribed by the Applicable Legislation.

1.1.3. The Protection of Personal Information Act, 2013 (the “POPI Act”) provides for:

a) promotion the protection of Personal Information processed by public and private bodies;

b) certain conditions so as to establish minimum requirements for the processing of Personal Information;

c) to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of the POPI Act and the PAIA Act;

d) to provide for the issuing of codes of conduct;

e) to provide for the rights of persons regarding unsolicited electronic communications and automated decision making;

f) to regulate the flow of Personal Information across the borders of the Republic; and

g) to provide for matters connected therewith.

1.1.4. POPIA gives Data Subjects1 the right to, in the prescribed manner, request a Responsible Party to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or to destroy or delete a record of Personal Information about the Data Subject that the Responsible Party is no longer authorised to retain; or to access Personal Information and/or to request the correction or deletion of any Personal Information held about them that may be inaccurate, misleading or outdated.

1.1.5. The NIHSS is committed to provide access to information to interested parties and to protecting its students, employees, and third parties’ (Data
1.1.6. The NIHSS endorses the spirit of PAIA Act and POPIA and believes that this Manual will assist requesters in exercising their rights. This POPIA and PAIA Manual therefore sets out the manner in which the NIHSS deals with their Data Subject’s personal information, and to provide reasonable and fair access to information within its control.

1.1.7. This POPIA and PAIA Manual was compiled in terms of relevant sections of PAIA and POPIA to protect Personal Information and to facilitate access to records held by the NIHSS.

1.1.8. It contains information required by a person wishing to exercise any right, contemplated by the POPIA and PAIA.

1.1.9. It is available in English, ______________ and ______________ as is required by section ___ of PAIA.

1.2 Purpose of this Manual

1.2.1. The purpose of this manual is to ensure compliance with the provisions of The Promotion of Access to Information Act 2 of 2000 and The Protection of Personal Information Act 4 of 2013 by providing information to and set procedures for Requestors to access information and to simultaneously have control over or participate in the processing of their Personal Information.

1.2.2. This Manual will assist the NIHSS to exercise effective control over the process as required by POPIA and PAIA to give access to information and to process requests of Requestors, within the framework set out by Applicable Legislation and as dictated by business practice within NIHSS.

1.3 Retention of Documents:

1.3.1. Data and Documents need to be retained in order to prove the existence of facts and to exercise rights the Institute and third parties may have. Documents are also necessary for defending legal action, for establishing what was said or done in relation to business of the Institute and to minimise the Institute’s reputational risks.

1.3.2. This Manual will be interpreted and applied in such a manner as to ensure that the Institute’s rights and interests are protected and that the Institute’s and Data Subjects and Requestors’ rights to privacy and confidentiality are not breached.

1.4 Scope

1.4.1. This Manual applies to all Records within the domain of the NIHSS, which may be requested by a Requestor in terms of this Manual.

1.4.2. Target audience: This Manual applies to all employees (temporary, permanent, full time or part time) of the Institute, contractors, Board
INFORMATION TECHNOLOGY POLICY MANUAL

members, suppliers, visitors, third parties and Requestors as defined herein.

1.5 Summary of policy manual

1.5.1. This Manual provides information and sets out the procedures and Internal Appeal procedures and conditions to access information as directed by POPIA and PAIA.

1.5.2. This Manual, in terms of section 14. (1), sets out the following:
(a) a description of the structure and functions of the NIHSS;
(b) the postal and street address, phone and fax number and, electronic mail address of the information officer of the body and of every deputy information officer;
(c) a description of the guide referred to in section 10, and how to obtain access to it;
(d) sufficient detail to facilitate a Request for Access to a Record of the NIHSS,
A description of the subjects on which the body holds records and the categories of records held on each subject;
(e) the latest notice, in terms of section 15(2), if any, regarding the categories of records which are available without a person having to request access
a description of the services available to members of the public
(g) a description of any arrangement or provision for a person to participate in or influence— (i) the formulation of policy; or (ii) the exercise of powers or performance of duties, by the body;
(h) a description of all remedies available in respect of an act or a failure to act by the body; and (i) such other information as may be prescribed by law.

2. DEFINITIONS

In this policy, unless the context otherwise indicates –

‘ACCOUNTING OFFICER’ means the Chief Executive Officer, designated to act as accounting officer within the framework of formal delegations by the accounting authority, in terms of section 56 of the PFMA;

‘ACT’ means Protection of Personal Information Act or Promotion of Access to Information Act;

‘AGREEMENT’ means the Service Level Agreement (SLA) entered into by the Authority and service providers including the philosophy guiding the business relationship and service level details;

‘BIOMETRICS’ means a technique of personal identification that is based on physical, physiological or behavioral characterization including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;

‘BOARD’ means the Governance Board constituted by the Minister in terms of Government Gazette No 37118;

‘CEO’ means Chief Executive Officer (Accounting Officer);

‘CHAIRPERSON’ means the person appointed by the Minister of Higher Education and Training;

‘CIO’ means Chief Information Officer;

‘CODE OF CONDUCT’ means the ‘Code of Conduct’ as published and approved by the Regulator for the industry or profession, in terms of section ___ of POPIA

‘CONSENT’ means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

‘CONSTITUTION’ means the Constitution
2.2 ANNEXURE A: The Structure of the NIHSS

DHET

NIHSS BOARD

OFFICE OF THE CEO

- SCHOLARSHIPS
- FINANCE AND IT
- HR AND CORP SERVICES
- BRICS AND RESEARCH
- GOVERNANCE
- MARKETING AND COMMUNICATIONS
of the Republic of South Africa, 1996; "DATA SUBJECT" means the person to whom personal information relates; "DE-IDENTIFY", in relation to personal information of a data subject, means to delete any information that:
(a) identifies the data subject;
(b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
(c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and "de-identified" has a corresponding meaning; "DHET" means the Department of Higher Education and Training; "DPSA" means Department of Public Service and Administration; "ELECTRONIC COMMUNICATIONS" means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient; "ESET" is an IT security company that offers anti-virus and firewall products; "FILING SYSTEM" means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria; "GICT" means Governance of ICT; "ICT" means Information and Communications Technology; "INFORMATION OFFICER" of, or in relation to:
(a) public body means an Information Officer or deputy information officer as contemplated in terms of section 1 or 17; or
(b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act "INTERNAL APPEAL" means the process set out herein for challenging a decision made in terms of a PAIA request to a public body, which must be completed before a challenge can be made to the Regulator or to a court having jurisdiction; "MANAGEMENT" means the senior management of the NIHSS; "MINISTER" means the Cabinet member responsible for the administration of justice; "PRESCRIBED" means prescribed by regulation or by a code of conduct; "PUBLIC BODY" means any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution when exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation; "PUBLIC RECORD" means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body; "PRIVATE BODY" means a natural person who carries or has carried on any trade, business or profession, but only in such capacity; a partnership which carries or has carried on any trade, business, or profession; or any former or existing juristic person, but excludes a public body; "PROCESSING" means any operation or
5. **ACCESS TO RECORDS HELD BY THE NIHSS**

5.1. **Automatic Disclosure**

(Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)) [Regulation 5A]

<table>
<thead>
<tr>
<th>Description of categories of records automatically available in terms of section 15 (1) of the promotion of access to information act, 2000</th>
<th>Manner of access to records</th>
</tr>
</thead>
<tbody>
<tr>
<td>For inspection in terms of section 15(1) (a) (i)</td>
<td>These records are available for inspection at the Institute on request or addressed to the Office of the Deputy Information Officer, NIHSS, Postnet Suite 413 P/Bag 30500 Houghton 2041 Or visit our website on <a href="http://www.nihss.ac.za">www.nihss.ac.za</a></td>
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<tr>
<td>NIHSS Strategic Plans</td>
<td></td>
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<td>NIHSS Annual Reports</td>
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<td>Financial statements</td>
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<td>NIHSS Annual Performance Plans</td>
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<tr>
<td>Tenders / Bid Documents</td>
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</tbody>
</table>
activity or any set of operations, whether or not by automatic means, concerning personal information, including, the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, degradation, erasure or destruction of information; ‘PERSON’ means a natural person or a juristic person; ‘PERSONAL INFORMATION’ means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person; ‘PUBLIC RECORD’ means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body; ‘RECORD’ for the purpose of POPIA means any recorded information— regardless of form or medium, including any of the following: (a) Writing on any material; (i) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; (ii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; (iii) book, map, plan, graph or drawing; photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; in the possession or under the control of a responsible party; whether or not it was created by a responsible party; and regardless of when it came into existence; Record in relation to a request for Access means in relation to, a public body, means any recorded information regardless of form or medium that is in in the possession or under the control of the NIHSS and whether or not it was created by the NIHSS. A record in the possession or under the control of an official of the NIHSS in his or her capacity as such or an independent contractor engaged by the NIHSS in the capacity as such contractor is regarded as being a record of the NIHSS respectively. ‘REGULATOR’ means the Information Regulator established in terms of section 39; ‘REPUBLIC’ means the Republic of South Africa; ‘RESPONSIBLE PARTY’ means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information; ‘REQUESTER’, in relation to a public body, means any person or body making a request for access to a record
of that public body or a person acting on behalf of the person whose Data is being requested.

‘REQUEST FOR ACCESS’, in relation to a public body, means a request for access to a record of a public body in terms of section 11.

‘NIHSS’ means the National Institute for the Humanities and Social Sciences.

3. THE MANDATE AND THE STRUCTURE OF THE NATIONAL INSTITUTE FOR THE HUMANITIES AND SOCIAL SCIENCES

3.1 The Mandate of the NIHSS

3.1.1. The legislative mandate for the NIHSS is contained within the Regulations for the Establishment of a National Institute for the Humanities and Social Sciences, 2013 (Government Notice No 952 of 2013) in accordance with the provisions of the Higher Education Act, 1997 (No. 101 of 1997).

3.1.2. The overall mandate of the NIHSS is to develop and set up the institutional and logistical framework for the envisioned higher education institution for the Humanities and Social Sciences (HSS). The role of the Institute is, broadly, to enhance and support the HSS in South Africa and beyond, and to advise government and civil society on HSS related matters. It does so through its various programmes, including the Catalytic Projects, the Doctoral Schools, and the African Pathways Programme, and through supporting the DHET in the implementation of the proposed corrective interventions.

3.1.3. Further functions of the NIHSS include:

a) Providing services to the higher education sphere within the Humanities and Social Sciences;

b) Advancing learning within its specific scope or application by ensuring collaboration or collaboration of the work of higher education institutions; and

c) Advising the Minister on matters relating to its specific scope or application, or to higher education generally.

ANNEXURE B: CONTACT DETAILS

Information Officer:
Prof Sarah Mosoetsa (CEO)
Tel: 011 480 2311
Email: Nicola@nihss.ac.za

1st Deputy Information Officer:
Mr Tumelo Mokoena (CFO)
Tel: 011 480 2309
Email: Tumelo@nihss.ac.za

2nd Deputy Information Officer
Mr Kambale Muhongya
Tel: 011 480 2328
Email: kambale@nihss.ac.za

General Information
Physical Address:
2nd Floor 24 St Andrews Road
Parktown
Johannesburg
A requester must be given access to a Record of NIHSS if the Requester complies with all the procedural requirements in PAIA as set out in this Manual and if

1. access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of PAIA and
2. The request includes a request for access to a Record containing personal information about the Requester.
3. (A Requester’s right of access under this clause 4 will not be 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.

Voluntary Disclosure and Automatic Disclosure without request (Section 15(1):)

The information officer of the NIHSS will, on a periodic basis not less frequently than once each year, submit to the Minister a description of— (a) the categories of records that are automatically available without a person having to request access in terms of PAIA as follows:

Categories of Records held by the NIHSS:

Descriptions of the subjects and categories of records held by the Human Resources division are the following:

a) Personnel file: containing all personal particulars, CV, ID, appointment/promotion/transfer details, pension,
long service awards, resettlement and medical matters, beneficiary nomination forms

b) Leave file: containing all leave type

c) OHS file Injury on duty file forms, claims and reports

d) Performance Management files: containing all midterm and final evaluation forms for NIHSS staff

e) Training and Development file: containing request for bursary, approval, result of studies and payment of fees

f) Disciplinary/Litigation cases files: containing records of litigation referred to CCMA & Labour Court

g) Recruitment – Applicants CV, interview questions, interview scoring sheets, interview reports

h) Trade Union – Meeting minutes, reports

i) Consultative Forum – Minutes & reports

4.2.2 Descriptions of the subjects and categories of records held by the Finance division are the following:

4.2.2.1. Financial Management and SCM

a) Students, mentors, project leaders’ signed contracts, signed award letters, ID’s or passport copies, residential address and proof of registration

b) Suppliers’ quotations or tender documents submissions, signed appointment letters, signed contracts, proof of banking details, invoices, CIPC company registration documents, company profiles, tax clearance certificates, BBBEE certificates or affidavits

4.2.2.2. Payroll

a) Employees’ signed employment contracts, ID copies, passports, declaration of interest forms, proof of banking details, payslips, personal details forms (with residential address and spouses’ details), SARS tax number Employees’ Provident Fund beneficiary information, employee withdrawal forms

b) Employees’ Provident Fund beneficiary information, employee withdrawal forms

c) Employees’ performance incentive letters, and annual increase letters

d) UIF employee claim forms

e) APSA trade union consent forms, monthly deductions schedule

f) Medical aid dependents information, medical aid plan information and total contributions

4.2.2.3. Governance

a) Board and Committee members’ signed appointment letters, ID copies, passports, proof of banking details, remuneration schedule, personal details forms (with residential address and spouses’ details)

b) Board and Committee members’ signed declaration of interest forms

c) Board and Committee members’ minutes of meetings and resolutions

4.2.2.4. Descriptions of the subjects and categories of records held by the Scholarships division are the following:

a) Doctoral Students: Signed contracts, signed Schedule of Particulars (SOP),
signed award letters, ID and passport copies, proof of registration, residential addresses, supervisor details, proof of payment, personal details

b) Post-Doctoral Students: Signed contracts, signed award letters, ID and passport copies, proof of registration, residential addresses, supervisor details, proof of payment, personal details.

c) Regional Mentors: Signed contracts, ID copies, residential addresses, proof of payment, personal details.

d) Roving Mentors: Signed appointment letters, ID copies, SARS tax number, residential addresses, proof of payment, personal details.

e) Scholarship Adjustments, Special and Appeal Requests: These are Special requests made by students throughout the financial year. When student submit the appeals, they are required to submit signed student, supervisor and Deans motivations, and personal information. Regional Doctoral Initiative (RDI) Applications: When mentors submit RDI applications these must be accompanied by personal information, budget, and quotations for the event/s.

f) Progress and Final/Annual Reports: Students, postdoctoral fellows, mentors, and administrators are required to submit progress reports and various times during the financial calendar and the template request personal detail information, and for mentors a financial report (invoices; university financial records).

g) Programme related reviews: External reviewers are utilised to review student application and progress reports and we request reviewer information such as: ID copies, personal bank details, personal details.

h) Directorate internal memos: Depending on the nature of the internal memoranda, e.g. payment memo’s - these can have attachments such as signed contracts, ID/passport copy, personal details as attachments.

i) Programme related travel: When we hold directorate linked events such as Annual National Doctoral Conference, Administrator Workshops, to arrange travel we request documents such as: ID copies, personal bank details, personal home addresses.

j) Employee sensitive records: sick note certificates, performance plans and reviews.

4.2.4 Descriptions of the subjects and categories of records held by the BRICS and Research division are the following:

a) Letters and Memos: internal memoranda (documents to request/motivate for approval for certain procedures, such as releasing payment tranches for a project, approving a budget for events such as the annual BRICS Academic Forum, as well as letters (note, not emails) that are sent out to stakeholders etc., as part of correspondence.

b) Project admin: copies of fully signed funding agreements, letters of awards of grants to recipients, invoices and proof of payments, and in certain cases, no-cost extensions and addendums that are provided to some of the projects.

c) Progress Reports and Final Reports: these are reports (and email communication) from BRICS and Research project grant recipients, and
4.2.6 Descriptions of the subjects and categories of records held by the Information Technology division are the following:

a) Performance Management files: contains all performance, midterm and final evaluation forms

b) ICT Steering Committee: meeting minutes and memos

c) Memos: internal memoranda (documents to request/motivate for approval for certain procedures, such as content updates on websites, procurement of IT hardware and services)

d) IT Equipment logbook: contains record of internal movement of IT hardware

e) Biometric Access control: contains records of staff ins and outs

f) Camera monitoring: contains records of staff and visitors video footage

g) Spiceworks: contains tickets logged by users and processed by the IT division

h) Active Directories: contains records of authenticated network users

i) Microsoft 365: contains users’ mailboxes and Cloud file storage, workflows, and logs

j) Telephone Management System: contains records of staff members incoming and outgoing calls

k) Vulnerability Assessment reports: contain network, servers, firewalls, switches, websites assessment reports

l) Descriptions of the subjects and categories of records held by the General Registry are the following:

   a) NIHSS Charter
   b) Annual Reports
   c) NIHSS Brochure
   d) Publications, i.e. feature articles, journals – BRICS Academic Review (BAR)
   e) HSS Awards Catalogues
   f) ANDC Conference & Programme Books
   g) Alumni Conference & Programme Books
   h) Website content
   i) Intranet content
   j) NIHSS Communication
   k) Internal Memos
   l) NIHSS employee branded collateral
   m) Service providers contracts
   n) Staff Performance contracts
   o) Corporate Identity Manuals
   p) NIHSS and BRICS marketing collateral
well as internal filing systems for each
directorate stored on the Cloud.
Records held by General Registry are the
following:

a) Legislation
b) Legal Matters
c) Organisation and Control
d) Chief Financial Officer
e) Internal Audit and Auditor-General
f) Personnel Administration and
Development
g) Asset Management
h) Information Technology
i) Media Liaison and Communication
j) External Human Resources
Development, Planning, Monitoring and
Coordination

4.2.8 Information/Documents available in
accordance with other Legislations

4.2.8.1. The NIHSS shall keep information/
documents in accordance with the
following legislations (please note that
this list is not exhaustive):

a) Insolvency Act, No. 24 of 1936 (Section
134 and 155);
b) Pension Funds Act, No. 24 of 1956;
Income Tax Act, No. 58 of 1962 (Section
75);
c) Companies Act, No. 71 of 2008;
d) Copyright Act, No. 98 of 1978;
e) Regional Services Councils Act, No. 109
of 1985;
f) Value Added Tax Act, No. 89 of 1991
(Section 65);
g) Occupational Health and Safety Act, No.
85 of 1993;
h) Compensation for Occupational injuries
and Diseases Act, No. 130 of 1993
(Section 97);
i) Labour Relations Act, No. 66 of 1995;
j) Basic Conditions of Employment Act, No.
75 of 1997 (Section 31);
k) Employment Equity Act, No. 55 of 1998
(Section 26);
l) Skills Development Act, No. 97 of 1998;
m) Medical Schemes Act, No. 131 of 1998;
n) Skills Development Levies Act, No. 9 of
1999; and
o) Unemployment Insurance Act, No. 63 of

4.2.8.2. The above records, insofar as it
being of a public nature are available
automatically without a person having
to request access thereto in term of the
Act, as envisaged in Section 52.

5. THE PROCEDURE TO REQUEST
RECORDS IN TERMS OF
SECTION 18

5.1 Procedure:
A request for access must be made in
the prescribed form to the information
officer of the NIHSS at her address or fax
number or electronic mail address as set
out in this Manual.
The Requester must provide sufficient
particulars to enable the NIHSS to
identify—
the record or records requested; and
the requester; and
to indicate which applicable form of
access referred to in section 29(2) is
required.

5.1.2. The Requestor must state whether
the record concerned is preferred in a
particular language and specify a postal
address or fax number in the Republic.
Furthermore, the Requestor must
specify if, in addition to a written reply,
the Requester wishes to be informed of the decision on the request in any other manner, to state that manner.

5.1.3. If the request is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request, to the reasonable satisfaction of the information officer. An individual who because of illiteracy or a disability is unable to make a request for access to a record may make that request orally and the information officer will reduce that oral request to writing in the prescribed form and provide a copy thereof to the requester.

d) If, in addition to a written reply to the request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.

5.1.4. In terms of PAIA a requester must be given access to a record of a public body if the requester complies with the following:

a) The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and Access to that record is not refused on any ground of refusal mentioned in the Act.

b) A requester must use the form that has been published in the Government Gazette [Govt. Notice R187 – 15 February 2002] (form A). The requester must also indicate if the request is for a copy of the record or if he/she wants to come in and look at the record at the offices of the NIHSS. Alternatively, if the record is not a document it can then be viewed in the requested form, where possible.

c) If a person asks for access in a particular form, then the requester should get access in the manner that has been asked for. This is so unless doing so would interfere unreasonably with the running of the NIHSS, or damage the record, or infringe a copyright not owned by the state. If for practical reasons the copy of the record cannot be given in the required form but in an alternative manner, the fee must be calculated according to the way that the requester first asked for it.

If, in addition to a written reply to the request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated.

5.2 Transfer of requests

5.2.1. If a request for access is made to the information officer of the NIHSS in respect of which the Record is not in the possession or under the control of the NIHSS but is in the possession of another public body or if the record’s subject matter is more closely connected with the functions of another public body or if the the record contains commercial information contemplated in section 42 in which any other public body has a material commercial interest, the information officer to whom the request is made must as soon as reasonably possible, but in any event within 14 days after the request is received, must (i) transfer the request to the information officer of the other public body.

5.2.2. There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee:
1. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. However, the Minister may, subject to section 113 and after consultation with the Regulator, prescribe fees to be paid by data subjects.

2. Every other requester, who is not a personal requester, must pay the required request fee:
   a) The Information Officer or the Deputy Information Officers must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
   b) The request fee payable to the NIHSS is R35.00. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
   c) After the Information Officer or the Deputy Information Officers have made a decision on the request, the requester must be notified of such a decision in the manner in which the requester wanted to be notified.
   d) If the request is granted, a further access fee must be paid for the search, preparation, reproduction and of any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

5.2.3. If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer must repay the deposit to the Requester.

5.3. Decision to grant access to records (This function is centralised to the NIHSS IT team)

5.3.1. NIHSS shall decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requestor with reasons (if required) to that effect. If the Requestor needs assistance to make a request such reasonable assistance shall be given or reasonable time shall be given to seek assistance.

5.3.2. The period above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for records held at another office and the records cannot reasonably be obtained within the original 30-day period.

5.3.3. NIHSS will notify the Requester in writing should an extension of time as contemplated in paragraph above be required.

5.4. Grounds for refusal

5.4.1. The following are the grounds on which NIHSS may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:
   a) Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
   b) Mandatory protection of the commercial
information of a third party, if the records contain:

c) Trade secrets of that third party;
d) Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
e) Information disclosed in confidence by a third party to NIHSS, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
f) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
g) Mandatory protection of the safety of individuals and the protection of property;
h) Mandatory protection of records that would be regarded as privileged in legal proceedings;
i) Research information of NIHSS or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
j) Requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

5.5 Records that cannot be found or do not exist

5.5.1. If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the possession but cannot be found or does not exist, the information officer will by way of affidavit or affirmation notify the Requester that it is not possible to give access to that record.

The notice will be regarded as a decision to refuse a request for access to the record. If, after notice is given in terms of subsection (1), the record in question is found, the requester concerned must be given access to the record unless access is refused on a ground for refusal contemplated in Chapter 4 of PAIA.

5.6 Internal Appeal

The NIHSS has an internal appeal procedure. As such, the decision made by the Information Officer (or the Deputy Information Officer) of the Company is not final and Requesters will first have to exercise such internal remedies before external remedies at their disposal shall be utilised.

If the request for information is refused and the requester is not satisfied with the answer supplied by the Deputy Information Officer, then the Requester may lodge an internal Appeal within 14 days to the head of the NIHSS.

If a requester is aggrieved by the refusal of the Information Officer or the Head of the NIHSS, to grant a request for a record, the requester may, within thirty (30) days of notification of the decision, lodge a complaint to the Regulator.

6. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE POPI ACT

6.1 WITHDRAWAL OF CONSENT IN TERMS OF POPIA
6.1.1. You may withdraw consent to process your personal information at any time by completing the withdrawal of consent notice attached hereto and by sending it to:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za

6.1.2. You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you by contacting the following:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za

6.2 OBJECTION TO PROCESSING IN TERMS OF POPIA

6.2.1. You may object to processing of your personal information at any time by completing the form 1, attached hereto and by sending it to:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za

6.2.2. You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you, by contacting the following:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za

6.3 REQUEST FOR ACCES TO PERSONAL INFORMATION, DELETION, CORRECTION OR DESTRUCTION IN TERMS OF POPIA

6.3.1. You may request access, deletion or correction or destruction of your personal information at any time by completing the form 2, attached hereto and by sending it to:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za

6.3.2. You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you, by contacting the following:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za

6.4 COMPLAINTS IN TERMS OF POPIA

6.4.1. You may lodge a complaint with the Regulator at the address and contact particulars set out below in clause 22.

A complaint with the Regulator may be about an interference with the protection of your personal information the following regard:

a) A breach of any of the conditions for lawful processing of POPIA; or
b) non-compliance with sections 22,54,69,70,71,72 of POPIA; or
c) a breach of a condition of a code of conduct in terms of section 60 of POPIA.

6.4.2. You may also lodge a complaint with the RESPONSIBLE PARTY by contacting the following:
Name: Sarah Mosoetsa
Email: info.officer@nihss.ac.za
6.4.4. You may also lodge a complaint with the Regulator in terms of section 63(3) if you are unhappy about the determination of an adjudicator as appointed by the Regulator, after the Regulator has investigated your complaint, by using form 5. The determination will have effect, until such time that the Regulator changes or overrules the determination post your complaint.

6.4.5. The complaint to the Regulator must be made in writing and should you experience any problems, you may contact the office of the Regulator who will provide you with reasonable assistance to make the complaint in writing.

6.4.6. The Regulator has the following powers when a complaint is lodged:

a) Consult with the RESPONSIBLE PARTY and with the complainant;

b) Investigate the complaint by gathering information through subpoenas and warrants or search premises;

c) Summons people to appear and testify or compel them to provide written evidence;

d) Conduct private interviews with people;

e) Conduct any enquiry she sees fit and

f) Resolve the complaint by means of dispute resolution such as mediation and conciliation;

g) Apply for fines and penalties to be ordered by a competent court as set out in section 107 and 109 of POPIA.

h) Refer the matter to an enforcement committee and issue enforcement notices or information notices.

i) Institute civil action for damages.

6.5 INFORMATION AND CONTACT

Information of the PAIA and POPIA
Information Officer:
Name: Prof Sarah Mosoetsa
Position: Chief Executive Officer
Email: info.officer@nihss.ac.za
Website address: www.nihss.ac.za
Enquiries: Tel: 011 480 2311

Information of the POPIA Regulator:
Name: Information Regulator
Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Website link: www.justice.gov.za
Email: POPIAComplaints@inforegulator.org.za
Facsimile:
Telephone: +27 011 877 3821/3645
Website: www.sahrc.org.za
E-mail: ssidu@sahrc.org.za or PAIA@sahrc.org.za

Remedies available if the provision of this Act are not complied with

Internal
The Act provides for the requester to lodge an internal appeal against a decision of the Information Officer to refuse a request for access. If a requester is aggrieved by the decision of the Information Officer in the NIHSS, the requester may lodge an internal appeal with the Audit and Risk Committee.

External
If a requester is not satisfied after internal remedies, the requester may lodge
an appeal with the Minister of Higher Education and Training within 60 days.

Availability of the Manual

This manual is made available in terms of Regulation R.187 of 15 February 2002 to PAIA and section 4 of the Regulations to POPI.

This manual is also available on the website of NIHSS being: https://www.nihss.ac.za/

This manual is further available at the SAHRC and at the offices of NIHSS (free of charge) for inspection, on reasonable notice, during normal business hours and shall be published in English in the Government Gazette. It should be noted that the manual accessible on the website of the SAHRC and in the Government Gazette, does not include the request forms or fee structure. The request form and updated fee structure can be obtained on the SAHRC website (www.sahrc.org.za) or the website of the Department of Justice and Constitutional Development (www.doi.gov.za) (under “regulations”).

Copies of the manual can be obtained from the Information Officer.

Prescribed Fees for Public Bodies (PAIA related costs)

1. The fee for a copy of the manual as contemplated in regulation 6(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:
   (a) For every photocopy of an A4-size page or part thereof R0,60
   (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40
   (c) For a copy in a computer-readable form on - (i) stiff disc R5,00 (ii) compact disc R40,00
   (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00 (ii) For a copy of visual images R60,00
   (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00 (ii) For a copy of an audio record R17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
   (a) For every photocopy of an A4-size page or part thereof R0,60
   (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,40
   (c) For a copy in a computer-readable form on - (i) stiff y dis c R5,00 (ii) compact disc R40,00
   (d) (i) For a transcription of visual images, for an A4-size page or part thereof R22,00 (ii) For a copy of visual images R60,00
   (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12,00 (ii) For a copy of an audio record R17,00
(f) To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

(2) For purposes of section 22(2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(1)(a) For every photocopy of an A4-size page or part thereof R0.60 (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0.40

(3) The actual postage is payable when a copy of a record must be posted to a requester.

(5) For the purposes of section 22(2) of the Act, the following applies:

(a) six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(6) Form of request A request for access to a record, as contemplated in section 53(1) of the Act, must be made in the form of Form A of the Annexure.