

INSTITUTIONAL REGULATORY CODE

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OFFICE OF THE VICE-CHANCELLOR / PRINCIPAL	

Policy Framework		Regulations/rules	
Policy		Constitution	
Procedure (Manual)	X	Local document	
Guidelines		Other (name)	

Title: Promotion of Access to Information Act Manual

Category: Governance
Academic
Management X

Approval Authority: Council
Senate
Mancom X
Executive in charge

Responsible Officer: Registrar

Designated Officers: All
Executive Managers for their
respective Divisions

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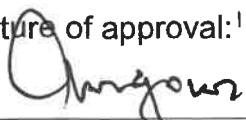
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Section reference (please indicate below):

Teaching & Learning		Registrar	X
Research, Innovation & Engagement		Vice-Chancellor's Office	
Resources and Operations			

Approved by:

<p>RESOLUTION MANCOM 2/21/15:</p> <p>Approval date: _____</p> <p>Signature of approval: </p>	X
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1. INTRODUCTION

The Promotion of Access to Information Act, Act No. 2 of 2000 (hereinafter referred to as "PAIA"), gives effect to the provisions of Section 32 of the Constitution of the Republic of South Africa, which recognizes the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. Effectively, PAIA seeks to foster transparent and accountable governance in both the public and private sectors by providing the right of access to information. This manual unpacks the procedure to be followed when making a request for access to a record held by the Central University of Technology, Free State (herein after referred to as CUT).

In view of the fact that CUT, in terms of the definitions clause of the PAIA, is regarded as a "public body", PAIA shall be referred to hereafter only to the extent that it applies to a public body. Although this manual is primarily for the PAIA, it fundamentally addresses the Protection of Personal Information Act (PoPIA), as contemplated in Section 17 of the PoPIA, i.e. Responsible parties must maintain the documentation of all processing operations under their responsibility.

1.1 Objectives of the PAIA

The objects of the PAIA are specified in Section 9 of the Act, and they can be summarised as follows:

- (a) To give effect to the constitutional right of access to –
 - (i) any information held by the State; and
 - (ii) any information that is held by another person and that is required for the exercising or protection of any rights;
- (b) To give effect to that right -
 - (i) subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance, and
 - (ii) in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution; culture and social justice, by including public bodies in the definition of " requester", allowing them, amongst others, to

- access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;
- (d) To establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively, and effortlessly as reasonably possible; and
 - (e) Generally, to promote transparency, accountability and effective governance of all public and private bodies by, amongst others, empowering and educating everyone -
 - (i) to understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;
 - (ii) to understand the functions and operations of public bodies; and
 - (iii) to effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.

1.2 The purpose of this manual is to give effect to the objectives of the PAIA, as stipulated above, and also to list record categories that are to be processed and managed in accordance with the provisions of the PoPIA.

1.3 CUT holds records and documents received or generated in the pursuance of the academic project, across the institution's four faculties and their respective departments, namely:

Faculty of Health and Environmental Sciences

Department of Agriculture
Department of Clinical Sciences
Department of Health Sciences
Department of Life Sciences

Faculty of Faculty of Engineering, Built Environment and Information Technology

Department of Built Environment
Department of Civil Engineering
Department of Electrical, Electronic and Computer Engineering
Department of Information Technology

Faculty of Management Sciences

Department of Accounting and Auditing
Department of Business Management
Department of Business Support Studies
Department of Government Management
Department of Hospitality Management
Department of Tourism and Event Management

Faculty of Humanities

Department of Communication Sciences
Department of Design and Studio Art
Department of Language and Social Sciences Education
Department of Mathematics, Science and Technology Education
Department of Postgraduate Studies in Education
Department of Educational and Professional Studies.

The following list of records and documents with personal information is also held by the institution. Access to these documents may be protected by professional privilege or privacy laws or the grounds of refusal detailed in the PoPIA.

Category Subject/Description:

- 1.3.1 Records relating to students - These include correspondence, submitted Applications, students' marks, contracts, and health records kept by the Wellness and Clinic.
- 1.3.2 Records relating to employees and ex-employees, Members and former members of Council - These include details of employment, employee files and remuneration data, as well as nomination records, in the case of Councillors.
- 1.3.3 Financial and administrative records and contracts relating to the institution's activities.
- 1.3.4 Accounting - Accounts, invoices, reconciliations, credit/debit notes, journals, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs, cash flow statements, audit reports.

- 1.3.5 Financial Information - Financial Statements, Financial and Tax Records, Asset Registers and forms, Insurance information and Banking details.
- 1.3.6 Information technology – Information technology agreements, forms, biometric information, passwords, usernames, email addresses and telephone numbers, Http cookies, and IP addresses.
- 1.3.7 General Administration — Minutes of meetings of various committees within the institution; General correspondence; Different types of legal agreements, Copies and correspondence relating to various insurance policies; Voicemail and security systems.
- 1.3.8 Human Resources — Contracts of employment; Documents relating to remuneration structuring; Job specifications; Format/procedures for advertising positions; Performance evaluations; Personnel files; All employment applications; Forms relating to new staff appointments and leave records; confidentiality undertakings, Various payroll, Workman's Compensation documentation.
- 1.3.9 Protection Services – CCTV footage, access control registers, occurrence books.
- 1.3.10 Transport – Identity documents and Drivers licenses, Vehicle hire forms.
- 1.3.11 Legal – agreements, complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation, material licenses, permits and authorizations.
- 1.3.12 Support services - List of suppliers and some of the information mentioned in this section, e.g. biographical information, tax information, banking details, etc.
- 1.3.13 Research Innovation and Engagement, as well as Faculties and Academic departments – Research data and records, student marks, class lists, Work Integrated Learning reports and student portfolios,

2. CONTACT DETAILS OF PAIA EXECUTIVES

a) INFORMATION OFFICER

Prof. Henk De Jager, The Vice-Chancellor & Principal

Physical Address: Central University of Technology, Free State

20 President Brand Street,

Bloemfontein, 9301

Postal Address: Central University of Technology - Free State,

Private Bag X20539

Bloemfontein

9300

Telephone Number: 051 – 507 3911 Electronic Mail: vc@cut.ac.za

DEPUTY INFORMATION OFFICERS:

b) Dr S. Dzingwa, Institutional Registrar

Physical Address: Central University of Technology, Free State

1 Park Road,

Bloemfontein, 9301

Postal Address: Central University of Technology - Free State,

Private Bag X20539

Bloemfontein

9300

Telephone Number: 051 – 507 3151 Electronic Mail: PAIA@cut.ac.za

c) Dr Gary Paul, Deputy Vice-Chancellor: Resources and Operations

Physical Address: Central University of Technology, Free State

1 Park Road,

Bloemfontein, 9301

Postal Address: Central University of Technology - Free State,

Private Bag X20539

Bloemfontein

9300

Telephone Number: 051 – 507 3002 Electronic Mail: GPaul@cut.ac.za

d) Prof. Alfred Ngowi, Deputy Vice-Chancellor: Research, Innovation and Engagement

Physical Address: Central University of Technology, Free State

1 Park Road,

Bloemfontein, 9301

Postal Address: Central University of Technology - Free State,

Private Bag X20539

Bloemfontein

9300

Telephone Number: 051 – 507 3005 Electronic Mail: ANgowi@cut.ac.za

e) Prof. David. Ngidi, Deputy Vice-Chancellor: Teaching and Learning

Physical Address: Central University of Technology, Free State

1 Park Road,

Bloemfontein, 9301

Postal Address: Central University of Technology - Free State,

Private Bag X20539

Bloemfontein

9300

Telephone Number: 051 – 507 3622 Electronic Mail: DNgidi@cut.ac.za

3. APPLICATION FORM

The application form LS226 can be completed electronically, after which it can be printed. Hard copies of the application form are also available by request at PAIA@cut.ac.za or telephone number +27 51 5073151.

4. FEES

4.1 FEES PAYABLE

The application form must be completed in full in accordance with the instructions given on the form and must be accompanied by the prescribed fees payable. Access fees shall be determined by a number of variables, e.g. the format in which the record must be made available, the time spent in searching for the record, the voluminosity of the request, etc.

The request fee is a minimum fee payable for the submission of an application. This amount is currently R39, 90 (thirty nine rand and ninety cents) per request payable by every requester, other than a personal requester, referred to in regulation 7(2) of the Regulations regarding the Promotion of Access to Information Act, and is not refundable.

Request fees are payable upon submission of the request form. An additional deposit may be levied in certain cases, depending on the nature (volume) of the information requested, as well as the format in which it is requested. The deposit shall be deducted from the access fee, if applicable.

Access fees are payable after a request for access to a record has been

processed, with the exception of a record that contains personal information of the requester, and provided that the record is ready to be made available. Please note that where possible, a quotation for the access fees shall first be furnished to the requester.

Until further notice, the following fees will be used as general guidelines for the calculation of access fees:

4.2 Fees for reproduction

The fee for a copy of the Manual as contemplated in Regulation 5(c) of the Regulations regarding the Promotion of Access to Information Act is R0-68 for every photocopy of an A4- size page or part thereof.

For every photocopy of an A4-size page or part thereof (colour copies will be quoted separately): R0-68 per black-and-white copy.

For every printed copy of an A4-size page or part thereof held on computer or in electronic or machine- readable form (colour copies will be quoted separately): R0-46 per black-and-white copy.

For a copy in computer- readable form on -

(i) compact disc: R45-60 each

How about e-mail transmission without printing?

For a transcription of visual images - A4-size page or part thereof: R25-08

For a copy of visual images: R68-40

For a transcription of an audio record - A4-size page or part thereof: R13-68

For a copy of an audio record: R19-38

Please note Value-added Tax ("VAT") is included in all the above-mentioned fees.

Access fees payable

(Unless exempted under section 22(8) of the Act):

For every photocopy of an A4-size page or part thereof (colour copies will be quoted separately): R0-68 per black-and-white copy.

For every printed copy of an A4-size page or part thereof held on computer or in electronic or machine-readable form (colour copies will be quoted separately): R0-46 per black-and-white copy.

For a copy in computer- readable form on -

(i) compact disc: R45-60 each

For a transcription of visual images - A4-size page or part thereof: R25-08

For a copy of visual images: R68-40

For a transcription of an audio record - A4-size page or part thereof: R13-68

For a copy of an audio record: R19-38

To search for the record for disclosure purposes, excluding the first hour, which is reasonably required for such a search and preparation: R17-10 per hour or part of an hour.

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

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

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

(ii) One third of the access fee is payable as a deposit by the requester.

Please note! Value-added Tax ("VAT") is included in all the above-mentioned fees.

4.3 PAYMENT OF FEES

Direct payments to the Central University of Technology, Free State can be made into the following bank account: **FNB Branch Code: 230134.**

Account Number: 625 3853 3531.

Account Type: Cheque Account.

Reference: 4006/5057

Office hours are Mondays to Fridays from 8:00 to 16:30. The cashiers are open during lunch to process payments on campus.

Payments made by mail can be addressed as follows: (Cheques/ bills must be made payable to the "Central University of Technology, Free State"):

Postal Address:

The Deputy Information Officer

C/o The Registrar
Central University of Technology, Free State
Private Bag X20539
Bloemfontein
9301
(Please Note: No cash is to be sent by mail)

5. PROCEDURE FOR THE APPLICATION FOR ACCESS TO INFORMATION

A requester must submit the completed and signed application form, together with the access fee, by hand, by post or by email, to the Registrar's Office.

Application forms can also be submitted by e-mail, e.g. as an attached file, provided that proof of payment of the prescribed fees is included. The e-mail address is:

PAIA@cut.ac.za

All applications must comply with the requirements of Sections 11(1) and 18 of the Act. Please note that Section 11 of the Act expressly provides that an application for access to information can inter alia be refused in the event where the application does not comply with the procedural requirements of the Act.

6. TIME LIMITS FOR DEALING WITH REQUESTS

Should the Central University of Technology, Free State not respond within the prescribed time limits, a requester may deduce that the Central University of Technology, Free State refuses to grant access to the required information, and thereafter the requestor may make an internal appeal or bring the application to court.

7. PROVIDING ACCESS, AND THE FORMAT IN WHICH INFORMATION MUST BE MADE AVAILABLE

Sections 29 to 31 of the Act provide for the format in which a record must be made available.

8. REFUSAL TO GRANT ACCESS TO INFORMATION

CUT may legitimately refuse to grant access to a record. The grounds for refusal are set out in Sections 33 to 45 of the Act.

9. APPLICATION TO COURT

Sections 78 to 82 provide for an application to court to gain access to a record.

10. ENQUIRIES

Any enquiries with regard to the Act can be directed to the Office of the Information Regulator, using the details as indicated below:

P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: inforeg@justice.gov.za.

Tel: 010 023 5200

11. PROCESSING OF REQUESTS

11.1 SUMMARY OF RESPONSIBILITIES

11.1.1 Deputy Information Officer – Registrar

- (i) Prepare list of automatically available records (including procedures and fees for reproduction & mailing).
- (ii) Communicate applicable procedures.
- (iii) Receive requests.
- (iv) Assist requesters.
- (v) Transfer requests, where necessary.
- (vi) Extend period to deal with request, where necessary.
- (vii) Administer requests (e.g. fee administration, correspondence).
- (viii) Seek legal advice.
- (ix) Record all requests.
- (x) Obtain records from assistant information officers.
- (xi) Communicate (mail) records to requesters, or make records available for inspection.

11.1.2. Assistant Information Officers (Search and Preparation) – All first-line managers

- (i) Search for record.

(ii) Reproduce or prepare record.

• (iii) Ensure correction of record.

12. REFERENCES

South Africa. (2013). Protection of Personal Information Act. 2013. (Accessed: 10 August 2020). Available from:

https://www.justice.gov.za/legislation/acts/acts_full.html

South Africa. (2000). Promotion of Access to Information Act. 2000. (Accessed: 10 August 2020). Available from:

https://www.justice.gov.za/legislation/acts/acts_full.html

Universities South Africa. (2020). PoPIA Industry Code of Conduct: Public Universities. (Accessed: 15 August 2020). Available from:

<https://www.cut.ac.za/announcements/99>