



UNIVERSITY OF THE  
WITWATERSRAND,  
JOHANNESBURG

**PROMOTION OF ACCESS TO INFORMATION  
ACT USER MANUAL  
UNIVERSITY OF THE WITWATERSRAND,  
JOHANNESBURG**

This Manual is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution and provides for the right of access to information held by another person or entity, where such information is required by someone to exercise or protect his/her rights.

**OVERVIEW**

The University of the Witwatersrand, Johannesburg (hereinafter, “Wits University” or “the University”) is a higher education institution whose main objectives are the provision of higher education and academic research and whose main offices are situated on No. 1 Jan Smuts Avenue, Braamfontein, Johannesburg, South Africa.

This Manual serves to inform members of the public, as well as data subjects of the University, of the categories of information held by the University, and which may, subject to the grounds of refusal listed in the Act, be disclosed after evaluation of an access application being made in terms of the Act.

The University has developed internal measures and adequate systems to process requests for information access subject to the relevant requirements as set out in the Manual, the Act, the Protection of Personal Information Act of 2013, and other relevant legislation.

**CONTACT DETAILS AND THE AVAILABILITY OF THIS MANUAL**

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A copy of this Manual is available –

- on request from the Registrar's Office: 10<sup>th</sup> Floor Senate House, Jorissen Street, Braamfontein, Johannesburg, South Africa.
- on our website under the link below <https://www.wits.ac.za/site-assets/small-footer/popia-and-paia/>
- [if requested by the Information Regulator, and in terms of which, it will be provided by the University](#)
- This manual will be published in 3 official languages (English, Isizulu and Sesotho)

<p><b>HOW TO REQUEST ACCESS TO RECORDS HELD BY WITS UNIVERSITY</b></p>
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Requests for access to records held by the University must be made on Request Form A contained in the Regulations regarding the Promotion of Access to Information, attached under the University website (PAIA and POPI section) the form be downloaded under the link below: <https://www.wits.ac.za/site-assets/small-footer/popia-and-paia/>

**When a record is requested, the following will apply:**

- Request Form A must be completed.
- On the Request Form all details must be completed, including the right the requester wants to protect by requesting the information.
- If the Requester is acting on behalf of someone else (e.g., an attorney acting on behalf of a client), the signature of the other person (i.e., the client) must appear on the form and the University shall have the right to verify that the person on whose behalf the request is being made did indeed authorise such request.
- The Requester must state in which form (inspection of copy, paper copy, electronic copy, transcript, etc) s/he wants to access the information.
- If the record is part of another record, the Requester will only be granted access to that part of the record that pertains to the information s/he wants or is entitled to, and not the rest of the record.
- Fees may be payable subject to the nature of the Requester. These fees are prescribed

by law, and can change from time to time. The fee list is available below.

## **Fees**

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not requesting access to a record containing personal information about him/her or itself, must pay the request fee.
- The Information Officer must by notice require the requester (other than a personal requester) to pay the prescribed fee before further processing the request).
- The fee that the requester must pay to the University is R35,00. The requester may lodge an application to the court against the tender or payment of the request fee.
- If access to a record/s is granted by the University, the requester may be required to pay an access fee for the search for and preparation of the records and for re-production of the record/s.
- The access fees which apply are set out below and can be found in Part III of Annexure A of the Regulations to the Act. The University can without a record/s until such access fee has been paid.
- The applicable fees are contained in the fee schedule, which can be viewed using the link below:

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>

- All requests will be evaluated against the provisions of the Act (in conjunction with any other legislation, including the Protection of Personal Information Act of 2013). The Act allows the Information Officer to refuse access on grounds stipulated in the Act or in terms of the Protection of Personal Information Act of 2013. Some of the grounds include, but is not limited to:
  - professional privilege.
  - that it is necessary to protect the commercial information or the confidential information of a third party.
  - that the record constitutes privileged information for the purposes of legal proceedings.

- that it is necessary to protect the commercial information of the University.
- that it is necessary to protect the safety of individuals or property.
- that granting access would result in the unreasonable disclosure of personal information about a third party.

The University is obliged under the Act to respond to a request for access to information held by it within 30 days of receipt of the request. The Act provides for other processes that can be followed by a Requester should his/her request under the Act, or any other legislation, be denied.

<p style="text-align: center;"><b>HOW THE ACT WORKS AND INFORMATION PUBLISHED BY THE INFORMATION REGULATOR</b></p>
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The Information Regulator has published a guide containing information that may reasonably required by any person who wishes to exercise any right under the Act. This guide is available on the Information Regulator website link or at the following address below.

[https://info regulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English\\_20210905.pdf](https://info regulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf)

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<b>VOLUNTARY DISCLOSURE</b>
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The following information is available to the public and does not require an application for access under the Act:

- Any information contained in any publicly accessible websites operated by the University.
- Any information published by the University in any books, magazines, brochures or other material form that has been made available to the public by the University.

The information referred to above may include, without limitation, the following:

- the mission and objectives of the University and all its various arms.
- the statutes, rules, regulations and policies of the University.
- the organogram/structure of the University, including names and offices of office-bearers.
- programs and courses offered by the University.
- admission requirements, application forms, fees, and any other information necessary to facilitate public engagement with the University in the promotion of its objectives.
- some research and academic initiatives that the University is involved in;

The following personal information is available without recourse to the Act only if requested by the person that the information pertains to directly (i.e., the Requester is requesting access to his/her own personal information):

- academic records.
- records of merit award or mentions;
- records of extracurricular activities;
- records of disciplinary hearings and/or verdicts.
- graded papers submitted by the Requester in the course of his/her academic pursuits

at the University.

- financial statements relating to the Requester's financial obligations to or rights against the University.

<b>RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION</b>
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Information is available in terms of the following legislation to the people or entities specified in such legislation, as well as the specific protections offered by such laws. As legislation changes from time to time, and new laws may stipulate new procedures and scopes of access, this list should not be read as a final and complete list without recourse to amendments, if any, of the relevant legislation.

Business legislation (including all regulations issued in terms of such legislation):

- The Companies Act 71 of 2008;
- Income Tax Act 58 of 1962; Value-added Tax Act 89 of 1991;
- Labour Relations Act 66 of 1995;
- Basic Conditions of Employment Act 75 of 1997;
- Consumer Protection Act, No. 68 of 2008;
- Copyright Act, No. 98 of 1978.
- Employment Equity Act 55 of 1998;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001;
- Unemployment Insurance Contributions Act, No. 4 of 2002.
- Electronic Communications and Transactions Act 25 of 2002; Telecommunications Act 103 of 1996;
- Electronic Communications Act 36 of 2005;
- Consumer Protection Act 68 of 2008;
- Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 34 of 2005;
- The Protection of Personal Information Act 4 of 2013;
- The Promotion of Access to Information Act 2 of 2000;

- Pension Funds Act, No. 24 of 1956.
- Health legislation (including all regulations issued in terms of such legislation): The National Health Act 61 of 2003.
- Medical Schemes Act 121 of 1998;
- Medicines and Related Substances Act 101 of 1965; Children's Act 38 of 2005;
- Mental Healthcare Act 17 of 2002;
- Occupational Health and Safety Act, No. 85 of 1993.
- Choice on Termination of Pregnancy Act 92 of 1996; Sterilisation Act 44 of 1998; etc.

<b>RECORDS HELD BY WITS UNIVERSITY AS PER (S14(1) (D) OF PAIA</b>
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Below is a list of the categories of records held by the University:

**PLEASE NOTE:** The fact that a record type is listed here does not necessarily mean that the records therein will be disclosed. All access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Furthermore, the categories of data subjects and information, as well as the category of recipients that the information is supplied to, for purposes of the Protection of Personal Information Act of 2013 also apply to the below.

**Records relating to the administration of the University:**

Governance structures, personal data of governance office-bearers, internal rules, regulations and policies, minutes of meetings, financial records, contracts, partnerships, scholarships, bursaries, grants and donations, tenders and service providers, employment equity data, BBBEE status, PAIA data, statutory and other licenses, marketing records.

Records relating to academic and research activities of staff and students: Strategy statements, curricular, research, course and programme accreditations and changes, Ethics Committee applications and decisions, teaching materials, research topics, research data, publications, student funding, research funding, exchange programs, research collaborations,



transformation initiatives and data, census data

**Records relating to academic and research activities generally:**

Strategy statements, contracts, partnerships

**Records relating to students or prospective students:**

Student personal data including, but not limited to academic records, academia related submissions, disciplinary records, merit records, scholarship and bursary records, and community service records.

**Records relating to staff or prospective staff:**

Staff personal data including, but not limited to CVs, service history, job descriptions, performance reviews, merit awards and mentions, disciplinary hearings and verdicts, marital status, credit history, criminal records, salary grades and progressions.

**Records relating to the University's commercial activities:**

University-owned commercial companies, University consultancies, University staff private consultancies, intellectual property commercialisation.

**Records relating to the University's intellectual property:**

Registered IP, commercialisation, publications

**Records relating to the University's public benefit programs:**

Talent detection initiatives, clinics, rural development, government collaborations, international collaborations

**Technical records**

ICT infrastructure, physical infrastructure, construction blueprints

**Records relating to real property leased or owned by the University wholly or partly:**

Property deeds, leases, uses, third party rights.

**Third party information other than the above:**

- Funders,
- Donors,
- Collaborators,
- Clients.

#### **Suppliers, vendors / other business**

- name and contact details,
- identity and students numbers,
- banking and financial information,
- information about products or services,
- other information required for the University's administrative and operational purposes.

<b>PROTECTION OF PERSONAL INFORMATION</b>
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#### **Purpose of processing of Personal Information:**

The University processes personal information to, amongst others:

- perform duties in terms of its engagements and terms and conditions with students and enrolments;
- performing administrative and operational functions;
- comply with the University's regulatory and other obligations;
- perform recruitment and employment functions including pension, payroll, medical aid, training, disciplinary action and income tax.

#### **Cross-border flows of Personal Information**

Personal Information may only be transferred of out the Republic of South Africa if – the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection that:

- effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and

- includes provisions that are substantially similar to the Protection of Personal Information Act ("POPIA") relating to the further transfer of personal information from the recipient to third parties who are in a foreign country.
- the data subject consents to the transfer;
- the transfer is necessary for the performance of a contract between the data subject and the University, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the University and a third party; or
- the transfer is for the benefit of the data subject and –
- it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
- it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

**Description of information security measures to be implemented [Note: please confirm all the listed security measures that the University will take]**

The University shall take all reasonable, appropriate, technical, and organisational measures to protect Personal Information from loss, damage, unauthorised access, processing, destruction, or manipulation. The University will implement the following security measures, amongst others:

- The University's Information Officer whose details are set out in this Manual is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPIA.
- The Information Officer is assisted by the Deputy Information Officer/s whose details are set out in this Manual.
- A structured plan and framework has been put in place and training of the responsible managers on this Policy and POPIA has taken place without any undue delay in accordance with POPIA and its Regulation.
- The University's third-party service providers will be required to sign an addendum to the relevant service level agreement guaranteeing their commitment to the protection of personal information.
- All current suppliers of the University will where appropriate be required to sign an addendum to their contracts with the University containing relevant consent clauses for

the use and storage of the University's data subject's information, or any other action so required, in terms of POPIA.

- All electronic files or data are backed up by the University department that is responsible for system security which protects third party access and physical threats.
- The University's Information Officer and the IT department shall identify all reasonably foreseeable internal and external risks to personal information, establishing and maintaining appropriate safeguards against the risks identified, regularly verifying that the safeguards are effectively implemented, and ensuring that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- Applicable data subjects will be informed should their personal information be accessed or acquired by any unauthorised person.

<b>REMEDIES AVAILABLE IN TERMS OF PAIA (S14) (1) (H) OF PAIA</b>
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Internal appeals as per section 74 to 77 of PAIA

- A requester may file an internal appeal with Wits by completing Form C if they feel that a refusal to provide information by Wits is unjustified or if they have grounds to complain under PAIA (see Annexure B, Form B).