



**UNIVERSITIES
SOUTH AFRICA**

Universities South Africa (USAf)

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, NO.2 OF 2000 (“THE PAIA” or “THE ACT”)**

June 2021 - Updated February 2023

**USAf is incorporated as a Not-for-Profit company (NPC) under the Companies Act,
No 71 of 2008, Registration number 2005/013211/08**

Contact details:

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Director: Operations and Sector Support: +27 (0) 12 030 0652 / sso@usaf.ac.za

The Promotion of Access to Information Act, No 2 of 2000 (the “PAIA”) (the “Act”):

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any right.

Where a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act. Details are available at the Department of Justice website, <https://www.justice.gov.za/paia/paia.htm>

Requesters (people or juristic persons seeking copies of records held by USAf) are referred to the Guide in terms of Section 10 of the Act, originally compiled by the South African Human Rights Commission and now made available by the Information Regulator.

This guide contains information for the purposes of exercising Constitutional Rights in terms of the Act and the Protection of Personal Information Act, 2013 (“the POPIA”). A link to the Guide can be found at <https://www.sahrc.org.za/index.php/understanding-paia>

The contact details of the **Information Regulator** are

P.O Box 31533, Braamfontein, Johannesburg, 2017
www.justice.gov.za/infoereg/

The contact details of the **Human Rights Commission** are:

Private Bag 2700, Houghton, 2041
+27 11 877 3600
www.sahrc.org.za

:

Records held by USAf

Category	Subject	Availability
Public matters	<ul style="list-style-type: none">Articles of incorporation USAf	Available on request or at USAf's registered address.
Financial	<ul style="list-style-type: none">Financial StatementsAnnual Reports	Available on request or at USAf's registered address or on USAf's website.
Member information	<ul style="list-style-type: none">A range of publicly available university data is held by the USAf to support its advocacy work for the member universities.	Available on request.
Matriculation Board records	<ul style="list-style-type: none">Records of applications for exemption whether granted or refusedRecords of the Joint Matriculation Board	May be requested on due motivation in terms of the PAIA and in compliance with POPIA May be requested on due motivation in terms of the PAIA and in compliance with POPIA
Miscellaneous	<ul style="list-style-type: none">Company records including agendas, minute books, investment and insurance contracts, other service provider contracts, investment statements and reports, correspondence relating to the business of the USAf, as well as employee records relating to USAf employees.Communication sent to members of the USAf.	May be requested on due motivation in terms of the PAIA and in compliance with POPIA. Recent member communication is available on the USAf's website.

Pertaining to the Protection of Personal Information Act:

(i) *The purpose of the information processing:*

USAf, and by extension service providers to the USAf, is required to hold and process Personal Information

(a) for its employees to manage the employment relationship;

- (b) for its Directors to comply with the requirements of the Companies Act, 2008;
- (c) for candidates who obtained qualifications from the Joint Matriculation Board during the period that it acted as an assessment body;
- (d) for people who have applied for and who were granted or refused exemption under the Matriculation Regulations of 2008, or previous and subsequent regulations.

A description of the categories of data subjects and of the information or categories of related information;

USAf is itself a data subject. Information relating to it includes contractual agreements, USAf Committee Rules, meeting agendas, meeting minutes, any correspondence related to the USAf and its actions, reporting of any nature prepared for the USAf Board including financial statements any Board appraisal, any advice received by USAf, or any other such detail which exists as a function of the USAf's legal existence.

Board Members – These data subjects are the appointed USAf Board Members. Information relating to these includes names, contact information, ID numbers, occupation, and qualifications.

- (ii) Service Providers – These data subjects are those parties who have been appointed by the Board of the USAf to perform a necessary duty to fulfil Board objectives and.

(iii) Planned transborder flows of personal information:

In certain circumstances, there may be transborder flows of Personal Information. These will occur when applicants in foreign countries submit personal information about themselves as data subjects when applying for “exemption” (to enable them to be admitted to public or private Higher Education Institutions in South Africa) by the Matriculation Board as required by regulations promulgated under the Higher Education Act, No 101 of 1997. USAf ensure that suitable security measures are in place and that the storage of such information at USAf accords with both South African data protection laws.. In all cases the USAf seeks to comply with the POPIA requirements relating to transborder data flows.

(iv) A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

<Jana to describe the measures in place at USAf to safeguard PI) The Board obtains commitments from all such parties in respect of information security and will conclude formal data security agreements with such parties to ensure that appropriate references to data confidentiality, integrity, and availability of information are included. Furthermore, all service provider agreements are expected to incorporate the principles related to the POPIA, declarations are required by all service providers in terms of whether any breaches were experienced, and all service providers are required to have suitable data protection policies and procedures in place.

Additionally, besides this manual, the USAf has established the following policies:

- Communication policy;

- Board Member Code of Conduct; and
- A privacy policy which outlines the required practices and processes of USAf and the standards to which the USAf seeks to hold to data subjects whose personal information it holds, processes or retains, its service providers, Board Members

Rights of data subjects under the Protection of Personal Information Act (the “POPIA”):

The rights of “data subjects” whose Personal Information is processed are set out in Section 5 of the POPIA and include the following:

- The right to be informed that your Personal Information is being collected and processed;
- The right to be notified of any “data breaches” (when your Personal Information falls into the hands of an unauthorized party);
- The right to be told what Personal Information is held for you.

Should you need information on your Personal Information which the USAf holds, or specific additional information on how the USAf complies with the PAIA and POPIA (beyond what is set out in this manual), please contact the CEO’s Office.

The USAf’s Privacy Policy is available on request and is published on the USAf website (www.usaf.ac.za) and sets out USAf’s commitment to respecting privacy rights of each data subject for whom or on which USAf collects, holds and/or processes personal information.

Requesting information from the USAf in terms of the PAIA:

To make a formal request for information under the PAIA,

- Use the prescribed form (Form C), available on the website of the Information Regulator at <https://www.justice.gov.za/infoereg> and attached to this Manual.
- Address your request to the Information Officer.
- Provide sufficient details to enable USAf to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d) (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to a written response) the manner and particulars thereof;
 - (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Fees payable in terms of the PAIA:

The following applies to formal requests made under the PAIA (other than personal requests):

- A requestor must pay the prescribed fee (currently R50) before a request will be processed;

- If the preparation of the record requested requires more than the prescribed hours (six), USAf may require the requester to pay a deposit (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid;
- The fee structure is available on the website of the SAHRC at www.sahrc.org.za.

Phethiwe Matutu
CEO and Information Officer of USAf f
February 2023

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

Universities South Africa NPC (“USAf”) is a member organisation of the Vice-Chancellors of South Africa’s public universities. It is incorporated under the Companies Act, 2008.

CEO Professor Ahmed Bawa

Blocks D & E,
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1267 Pretorius Street,
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Pretoria

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Sunnyside,
0132

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 email address 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: (optional)

Telephone number:

E-mail address:

Capacity in which request is made, if made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person.
--

Full names and surname:

Identity number:

D. Particulars of record

- | |
|---|
| <p>(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.</p> <p>(b) If the provided space is inadequate, please continue a separate folio and attach it to this form. The requester must sign all the additional folios.</p> |
|---|

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

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

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 for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.
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Disability:	Form in which record is required:

Mark the appropriate box (overleaf) with an X:

NOTES:

(a) Compliance with your request 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 for 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (e.g., PDF file)		
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

G Particulars of right to be exercised or protected

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. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the right:

H. 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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE