

NELSON MANDELA UNIVERSITY

INSTITUTIONAL REGULATORY CODE (IRC) (Policies, Procedures, Rules etc.)

To be completed by initiator of policy/policy owner:						
1. POLICY TITLE:			Policy and Guidelines on Access to Information and Procedure for University Data Subjects			
2. FIELD OF APPLICATION: (All persons to whom policy applies)			All Staff, Students and 3 rd Parties			
3. COMPLIANCE OFFICER(S): (Persons responsible for ensuring policy implementation)			All Managers			
4. STAKEHOLDER CONSULTATION (State the stakeholder group/s consulted during policy formulation/revision)			IO, DIOs, Legal Services and applicable Departments where information is stored.			
5. DESIGNATION OF POLICY OWNER: (Person responsible for maintaining policy)			Senior Director: Legal Services			
POLICY HISTORY (To be completed by policy owner)						
Decision Date (Compulsory)	Status (New/Revised/ No Changes)	Implementation Date (Compulsory if "new" or "revised")	Approving Authority (If "new" or "revised". N/A if no changes)	Resolution Number e.g. 07/11- 10.2 (Minute number. N/A if no changes)	Policy Document Number (e.g. D/.../07 N/A if no changes)	Pending date for next revision (Compulsory)
June 2005	New	July 2005	EMCOM		D/615/06	June 2016
Feb 2021	Editorial Changes	Immediate	N/A		D_146_21_ (2021-02- 12 10h31)	Feb 2024
28/09/2023	Revised	Immediate	COUNCIL	C23.60.1.2	D_146_21 served as C_442_23_ (2023-09- 21 15h36)_	Sept 2026
For office use only						
SUBJECT (Broad policy field):			Governance and Management			
SUBJECT NUMBER:			100			
CATEGORY (Policy sub-field):			Legal			
CATEGORY NUMBER:			109			
IRC NUMBER:			109.04			

1. PURPOSE OF THIS PAIA MANUAL

NMU has drafted this Manual in accordance with section 14(1) of the Promotion of Access to Information Act, 2000 [Act No. 2 of 2000 (hereinafter referred to as “the Act”) to define the rights of persons to have access to any records, regardless of form or medium, in the possession or under the control of NMU. It furthermore contains the procedures that must be followed by any person wishing to gain access to such information, and the applicable fees that are payable.

2. STRUCTURE OF NMU

The governing body of the University is the Council, which is established in terms of section 27 of the Higher Education Act, 1997 (Act No. 101 of 1997), as amended. The Council may establish committees of Council and other structures in terms of the Higher Education Act, 1997, as amended.

The Senate, established in terms of section 28 of the Higher Education Act, 1997, as amended, is accountable to the Council for the academic and research functions of the University.

The Institutional Forum, established in terms of section 31 of the Higher Education Act, 1997, as amended, advises the Council as contemplated in section 31 (1), and performs such functions as determined by Council. The Forum consists of representatives of management, council, senate, staff, students, commerce, industry, and society.

The Vice-Chancellor is the Chief Executive Officer and the Information Officer of the University. The functions of the Vice-Chancellor are as prescribed in terms of section 30 of the Higher Education Act, 1997, as amended.

3. FUNCTIONS OF NMU

The functions of the University can be found cumulatively in the functions as set out in and prescribed by the Higher Education Act, 1997 as amended, the Institutional Statute, Council, Institutional Forum, Senate, and other documents setting out the powers and functions of its functionaries. The documents are all accessible on the University’s Institutional Regulatory Code (IRC) via the website.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

4.1. NATIONAL / HEAD OFFICE

Postal address	P.O Box 77000, Nelson Mandela University, Gqeberha, 6031
Physical address	University Way, Summerstrand, Gqeberha, 6019
Telephone	(041) 504 1111
Website	https://www.mandela.ac.za/

4.2. INFORMATION OFFICER

Name and surname	Prof. Sibongile Muthwa
Position	Vice-Chancellor
Postal address	P.O Box 77000, Nelson Mandela University, Gqeberha, 6031
Physical address	University Way, Summerstrand, Gqeberha, 6019
Telephone	(041) 504-3211
E-mail	Sibongile.muthwa@mandela.ac.za

4.3. DEPUTY INFORMATION OFFICERS

The Deputy Information officers of the University are:

Name and surname	Mr. Edgar De Koker
Position	Registrar
Postal address	P.O Box 77000, Nelson Mandela University,

	Gqeberha, 6031
Physical address	University Way, Summerstrand, Gqeberha, 6019
Telephone	(041) 504-3370
E-mail	Edgar.DeKoker@mandela.ac.za

Name and surname	Dr Azwinndini Muronga
Position	Deputy Vice-Chancellor: Research Innovation and Internationalization
Postal address	P.O Box 77000, Nelson Mandela University, Gqeberha, 6031
Physical address	University Way, Summerstrand, Gqeberha, 6019
Telephone	(041) 504-2016
E-mail	azwinndini.muronga@mandela.ac.za

Name and surname	Dr Samuel Bosire
Position	Chief Information Officer
Postal address	P.O Box 77000, Nelson Mandela University, Gqeberha, 6031
Physical address	University Way, Summerstrand, Gqeberha, 6019
Telephone	(041) 504- 9916
E-mail	Samuel.Bosire@mandela.ac.za

5. DESCRIPTION OF ALL REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY NMU

5.1. PROCEDURE FOR AN INTERNAL APPEAL

- 5.1.1. A requester or a third party may lodge an internal appeal against the decision of the Deputy Information Officer.
- 5.1.2. An appeal application must be lodged within sixty (60) days of the decision of the Deputy Information officer, on the prescribed Form B, which is obtainable from the Deputy Information officer. The Information Officer must allow late lodging of the appeal, on good cause shown.
- 5.1.3. The appellant must clearly indicate the decision against which the appeal is being lodged, and the grounds on which the internal appeal is based.
- 5.1.4. The required appeal fees must be paid on lodging an internal appeal.
- 5.1.5. The Information Officer must, within 30 days of receiving an internal appeal, inform a third party/parties to whom or which the records relate.
- 5.1.6. The third party/parties may, within twenty-one (21) days of being so informed, make written representations to the Information Officer why the request for access should not be granted or may give written consent for the disclosure of the record to the requester.
- 5.1.7. The Information Officer must decide on the internal appeal within thirty (30) days of receipt of the appeal application and give notice of the decision to the appellant. The notice must:
 - 5.1.8. state adequate reasons for the decision;
 - 5.1.9. exclude, from such reasons, any reference to the content of the record' and state that the appellant may lodge an application with c court against the decision on internal appeal, within sixty (60) days thereof.
- 5.1.10. The Information Officer must immediately after the decision on an internal appeal, give notice of the decision to the third party/parties concerned.

5.2. COMPLAIN TO THE INFORMATION REGULATOR

- 5.2.1. A requester or third party must make sure that they have exhausted the internal appeal procedure against the Information Officer before they can lodge a complaint to the Regulator. If the above internal procedure has not been followed, the Regulator will reject the complaint.
- 5.2.2. A requester or third party may lodge a direct complaint to the Regulator where the internal appeal procedure is not applicable.

- 5.2.3. A complaint to the Regulator must be lodged within 180 days of receipt of the decision from the public body.
- 5.2.4. A complaint to the Regulator must be in writing and a complaint form must be completed, either manually or online. The complaint form can be downloaded here.

5.3. APPLICATION TO COURT

- 5.3.1. A requester or a third party may only apply to court for appropriate relief after the internal appeal procedures have been exhausted.
- 5.3.2. A requester or a third party may, by way of application, within thirty (30) days, apply to court for relief in terms of section 82 of the Act.

5.4. OFFENCE

It is an offence for any person to destroy, damage, conceal, or falsify any information held by the University with the intent to deny another person right of access to such information.

6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 6.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 6.2. The Guide is available in each of the official languages.
- 6.3. The aforesaid Guide contains the description of-
 - 6.3.1. the objects of PAIA and POPIA;
 - 6.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 6.3.2.1. the Information Officer of every public body, and
 - 6.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA.
 - 6.3.3. the manner and form of a request for-
 - 6.3.3.1. access to a record of a body contemplated in section 11, and

- 6.3.3.2. access to a record of a private body contemplated in section 50;
- 6.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 6.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 6.3.6.1. an internal appeal;
 - 6.3.6.2. a complaint to the Regulator; and
 - 6.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 6.3.7. the provision of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 6.3.8. the provisions of section 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively
- 6.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 6.3.10. the regulations made in terms of section 92.
- 6.4. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
 - 6.4.1. Upon request of the Information Officer;
 - 6.4.2. From the website of the regulator (<https://www.justice.gov.za/inforeg/>).

7. DESCRIPTION OF THE SUBJECTS ON WHICH NMU HOLDS RECORDS AND CATEGORIES OF RECORDS HELD BY NMU

NMU holds the following records and categories:

Subjects on which the body holds records	Categories of records held on each subject
Personnel records	<ul style="list-style-type: none"> • staff files; • job evaluation records; and • applications for posts
Student records	<ul style="list-style-type: none"> • student files; • academic records including theses and dissertations; • examination papers; and • graduation programmes
Alumni records	<ul style="list-style-type: none"> • qualifications obtained; and • personal information
Financial aid and commercial records	<ul style="list-style-type: none"> • budgetary documentation; • accounting records; and • contracts
Operations records	<ul style="list-style-type: none"> • official minutes of University meetings; • data bases of University; • web pages; and • communication records
Research records	<ul style="list-style-type: none"> • research register; • applications for funding; • research contracts; • patent and intellectual property files; and • annual research reports

8. CATEGORIES OF RECORDS OF NMU WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The following information is automatically available without a person having to request access or pay a request fee in terms of the Act. Access to this information may also be requested by filling out the prescribed application form (Form A) or by means of a written request or by accessing the university's website at www.mandela.ac.za:

Category	Document type	Available on website	Available upon request
Contact details of Information Officer and Deputy Information Officer(s)	Privacy Policy	Institutional Regulatory Code (IRC) Policy number xxx	Yes
The access and reproduction fees payable by the requester of information	PAIA Manual	IRC Policy number 109.04	Yes
The University Chancellor's University work related details	N/A	chancellor@mandela.ac.za	From the Office of the VC
The composition official contact details of the University's Senate.	Statute	IRC Policy number 106.01	Yes
The composition and contact details of the University's	Constitution of MANCO	IRC Policy number 102.01	Yes

Executive Management Committee			
The composition and official contact details of the University's Student Representative Council	SRC Constitution	src@mandela.ac.za	Yes
The composition and official contact details of the University's Institutional Forum	IF Constitution and the Statute	IRC Policy number 104.01	Yes
The number, race, and gender of University personnel categories			
Minimum qualification requirements for new appointments to the various posts within the University	Recruitment and Selection Policy	IRC Policy number 601.02	Yes
The number, race, and gender of students in each Faculty of the University			Data can be made available in any requested format at aggregat

			ed level. No personal information of individual students are made available to 3rd parties.
The University's policy on financial assistance offered to students	Policy for undergraduate bursaries, scholarships and loans	IRC Policy number 205.01	Yes
Fee structures for the University's academic programmes	Student Prospectus	IRC Policy number 111.01 to 111.08	Yes
The University's disciplinary codes and procedures for personnel	Employee disciplinary procedure and code	IRC Policy number 602.03	Yes
The University's grievance policy and procedures	Grievance Procedures	IRC Policy number 602.01	Yes
The University's Manual and Guidelines on Access to Information	Guidelines on access to information	IRC Policy number 109.04	Yes
Any information that the		Upon request from relevant department	

<p>University is required to make available for inspection in terms of other legislation</p>			
<p>All information published in the official University calendars, including; but not limited to:</p> <ul style="list-style-type: none"> • Minimum entrance requirements for enrolment in the various programmes offered by the University, • Rules relating to academic programmes • Residential fees • Admissions policies of the University, and • The university's 		<p>Student Account Guide</p> <p>https://www.mandela.ac.za/getmedia/f678bb7c-eb77-4c9d-bf8a-47cda18b53ff/STUDENT-ACCOUNT-GUIDE?disposition=attachment</p> <p>Financial Information (including Financial Aid & Bursaries)</p> <p>https://www.mandela.ac.za/Study-at-Mandela/Discovery/General-financial-information</p> <p>Residence Fees and down payments</p> <p>https://studenthousing.mandela.ac.za/Residence-Fees</p> <p>Undergraduate Guide</p> <p>https://www.mandela.ac.za/getmedia/0c00b2cb-3e53-437a-9678-bdc1ae9f83a4/Mandela-Uni-Undergrad-Guide?disposition=attachment</p> <p>Entry requirements</p>	

disciplinary codes and procedures for students		https://www.mandela.ac.za/Study-at-Mandela/Discovery/Entry-requirements	
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9. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM NMU AND HOW TO ACCESS THOSE SERVICES

A comprehensive list of services is contained in the University's general prospectus and is available free of charge from the Registrar's office. These services can be viewed by visiting our website at www.mandela.ac.za

10. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY NMU

Students and staff participate in policy and decision-making processes of the University in accordance with the provisions of the Higher Education Act, Act 101 of 1997, as amended, as well as in terms of those internal procedures as agreed with student and staff representative bodies from time to time.

Other interested persons may submit their comments or proposals in writing to the Registrar at the address stated in paragraph 4 above.

11. PROCESSING OF PERSONAL INFORMATION

11.1. PURPOSE OF PROCESSING

11.2. All personal identifiable information collected by the University will be processed in line with employment, academic, administrative, research and/or commercial purposes as indicated by the University Privacy Policy. The information will be processed only in line with the specified purpose of collection.

11.3. DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO

NB: Specify the categories of data subjects in respect of whom the body processes personal information and the nature or categories of the personal information being processed.

Categories of data Subjects	Personal Information that may be processed
Students	Name and surname, address, date of birth, nationality, race and gender, identity document
Employees	Name and surname, address, date of birth, identity number, race, gender and disability
Vendors	Name, identity documents, CIPC registration certificates, VAT number, banking details

11.4. THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

Categories of personal information	Recipients or Categories of recipients
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Individual records of students with all their personal information in Higher Education Management Information datasets according to the statutory obligations	Department of Higher Education and Training

11.5. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

Nelson Mandela University is committed to complying with relevant data protection laws and regulations, including those related to transborder data flows. The University will take appropriate steps to ensure that any planned transborder flows

of personal information adhere to the following principles:

- **Adequate Protection:** The University will ensure that the recipient country provides an adequate level of protection for personal information or implement appropriate safeguards to ensure the protection of personal information during the transfer.
- **Consent and Notification:** Where necessary, the University will obtain the required consents and provide appropriate notifications to individuals whose personal information may be subject to transborder flows.
- **Data Processor Agreements:** Where necessary, the University will enter into data processor agreements or similar arrangements with any third parties involved in transborder flows to ensure compliance with data protection requirements.

11.6. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY NMU TO ENSURE THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY

1. **Information Classification and Handling:** NMU has established an information classification policy to categorise data based on its sensitivity, such as personal information, research data, and administrative records. The policy guides the implementation of appropriate security controls for each classification level. NMU provides guidelines for the proper handling, storage, and disposal of sensitive information.
2. **Access Control:** NMU employs robust access control mechanisms to ensure that only authorised individuals can access information based on their roles and responsibilities. This includes user authentication mechanisms such as strong passwords, multi-factor authentication, and user account management practices. Access privileges are regularly reviewed and updated to reflect changing requirements.
3. **Network Security:** NMU has implemented network security measures to safeguard its information systems and prevent unauthorised access. This includes the use of firewalls, intrusion detection and prevention systems, and secure network configurations. Regular monitoring of network traffic, vulnerability assessments and penetration tests are conducted to identify and mitigate potential security risks.
4. **Data Encryption:** To protect sensitive data during storage and transmission, NMU employs encryption techniques. This includes using secure protocols (e.g., HTTPS, SSL/TLS) for web communications, encrypting sensitive files

and databases, and securing wireless networks with encryption algorithms such as WPA2 or higher.

5. Incident Response and Management: NMU has established an incident response plan to effectively respond to and manage security incidents. This plan outlines procedures for identifying, reporting, and containing security breaches. It also includes a clear escalation process, incident analysis and investigation, and measures for mitigating the impact of incidents. Regular incident drills and training sessions are conducted to ensure preparedness.
6. Physical Security: NMU has implemented physical security measures to protect information assets, including data centres, server rooms, and other critical infrastructure. This includes measures such as access controls, surveillance systems, and environmental controls (e.g., temperature and humidity monitoring) to prevent unauthorised physical access, theft, or damage.
7. Security Awareness and Training: NMU promotes a culture of security awareness among its faculty, staff, and students. Regular training programs and awareness campaigns are conducted to educate individuals about information security policies, best practices, and the potential risks associated with data breaches. This helps foster a proactive and security-conscious community.
8. Business Continuity and Disaster Recovery: NMU is in the process of developing a business continuity and maintaining the disaster recovery plans to ensure the availability and integrity of its information systems. This includes regular data backups, 'off-site' storage, redundant systems, and procedures for restoring critical services in the event of a disruption or disaster.
9. Compliance and Audit: NMU has established processes for monitoring compliance with information security policies, industry standards, and legal requirements. Regular audits and assessments are conducted to evaluate the effectiveness of security controls, identify vulnerabilities, and implement necessary improvements.

12. AVAILABILITY OF THIS MANUAL

NMU's PAIA Manual will be freely available on our website at <https://www.mandela.ac.za/>.

You can inspect this PAIA Manual, during regular business hours, at NMU's Head Office, which will be available in three of the official languages, English, Afrikaans, and Xhosa. If you request a hard copy of the manual, a reasonable fee will be

payable.

Office hours are Mondays to Fridays from 08:30 to 16:00.

13. UPDATING OF THE MANUAL

NMU will, if necessary, update and publish this Manual annually.

Issued by:

(Prof Sibongile Muthwa, Information Officer)

(date)