

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
2. FIELD OF APPLICATION: (All persons to whom policy applies)	All Staff
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)	Legal Officer, Deputy Librarian, other universities
5. DESIGNATION OF POLICY OWNER: (Person responsible for maintaining policy)	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) <small>*indicates reviewed, but no or only editorial changes made</small>
June 2005	New	July 2005	EMCOM		D/615/06	June 2016

For office use only

SUBJECT (Broad policy field):	Governance and Management
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MANUAL

containing

POLICY AND GUIDELINES ON ACCESS TO INFORMATION

This manual is available in the following three official languages:

English

IsiXhosa

Afrikaans

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1. INTRODUCTION

The University has drafted this policy in accordance with section 14(1) of the Promotion of Access to Information Act, 2000 (hereinafter referred to as “the Act”) in order 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 the University. 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.

THE GUIDE OF THE HUMAN RIGHTS COMMISSION

In accordance with section 10(1) of the Act, the Human Rights Commission has compiled in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act. For more information contact the Human Rights Commission at Private Bag X2700, Houghton, 2041 or telephone (011) 484 8300.

DEFINITIONS

Terms used in this Manual are consistent with the definitions contained in the Act, unless the context determines otherwise.

SECTION A

STRUCTURE AND FUNCTIONS OF THE NELSON MANDELA UNIVERSITY

Postal address: P O Box 77000, Nelson Mandela University, Port
Elizabeth, 6031

Street address: University Way, Summerstrand, Port Elizabeth

The governing body of the University is the Council, which is established in terms of section 27 of the Higher Education Act, 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.

DESCRIPTION OF THE SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE UNIVERSITY

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

MISSION OF THE UNIVERSITY

The Nelson Mandela University is an engaged and people-centred university that serves the needs of its diverse communities by contributing to sustainable development through excellent academic programmes, research and service delivery.

To facilitate this, the NMU

Commits itself to being a student-centred university by providing a supportive learning environment and opportunities that recognize the diverse aspirations and needs of its students;

Promotes values and principles associated with Nelson Mandela;

Closely interacts with its stakeholders and the communities it serves, with a special emphasis on the relationship with our surrounding communities in the Nelson Mandela Metropole and the Southern Cape;

Provides access for a broad spectrum of students;

Offers a comprehensive range of relevant academic programmes emphasising professional and technological education;

Conducts research that addresses socio-economic challenges and contributes to scholarship and knowledge production;

Commits itself to transformation, equity, diversity and lifelong learning;

Provides a caring working environment and opportunities to staff for continuous development.

In this way, the NMU develops graduates and diplomates who are

Well-rounded and critical
thinkers Lifelong learners

Employable, innovative and entrepreneurial

Contributors to the socio-economic growth of our region and Africa

SECTION B: DETAILS OF INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

1. INFORMATION OFFICER

The Information Officer for the University is the Vice-Chancellor. The Act confers powers and imposes duties on the Information Officer.

Electronic mail address of Information Officer: Prof S Muthwa

Phone number: (041) 504-3211

Fax number: (041) 504-2699

2. DEPUTY INFORMATION OFFICERS

Deputy information officers will receive requests for information and will decide, in accordance with the provisions of the Act and this policy, whether or not to provide that information to the requester.

The Deputy Information officers of the University are:

The Director: Legal Services: Adv D Newton
Phone number: (041) 504-3264
Fax number: (041) 504-2183
e-mail address: Daryl.Newton@mandela.ac.za

The Registrar: Mr E De Koker
Phone number: (041) 504-3370
Fax number: (041) 504-9370
e-mail address: Edgar.DeKoker@mandela.ac.za

The Campus Principal: George Campus: Dr Kaluke Mawila

Phone number: (044) 801 5001
Fax number: (044) 805 6601
e-mail address: Kaluke.Mawila@mandela.ac.za

SECTION C: RECORDS

1. DEFINITION

The act defines a record as any recorded information. This is regardless of the form or medium. It refers to any record in the possession of the University, whether or not it was created by the University.

2. TYPES OF RECORDS

The University broadly defines its records under the following categories:

- 2.1 Personnel records; including, but not limited to staff files, job evaluation records, and applications for posts.
- 2.2 Student records; including, but not limited to, student files and academic records including theses and dissertations, examination papers and graduation programmes.
- 2.3 Alumni records; including, but not limited to, qualifications obtained and personal information.
- 2.4 Financial and commercial records; including, but not limited to, budgetary documentation, accounting records, and contracts.
- 2.5 Operations records; including, but not limited to, official minutes of University meetings, data bases of University clients, web pages, and communication records.
- 2.6 Research Records: Research records of the University include the research register, applications for funding, research contracts, patent and intellectual property files, and annual research reports.

3. AUTOMATICALLY AVAILABLE INFORMATION

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:

1. Contact details of the information officer and deputy information officers.
2. The access and reproduction fees payable by the requester of information.
3. The University Chancellor's University work related details.
4. The composition and official contact details of the University's Council.
5. The composition and official contact details of the University's Senate.
6. The composition and contact details of the University's Executive Management Committee.
7. The composition and official contact details of the University's Student Representative Council.

8. The composition and official contact details of the University's Institutional Forum.
9. The number, race, and gender of University personnel categories.
10. Minimum qualification requirements for new appointments to the various posts within the University.
11. The number, race, and gender of students in each Faculty of the University.
12. The University's policy on financial assistance offered to students.
13. Fee structures for the University's academic programmes.
14. Names of all University alumni and qualifications awarded or conferred.
15. The University's disciplinary codes and procedures for personnel.
16. The University's grievance policy and procedures.
17. The University's Manual and Guidelines on Access to Information
18. Any information that the University is required to make available for inspection in terms of other legislation.
19. All information published in the official University calendars, including; but not limited to:

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 disciplinary codes and procedures for students.

SECTION D: PROCEDURES TO FACILITATE ACCESS TO INFORMATION

1. GENERAL

- 1.1 The University will maintain only relevant information, which is necessary for the achievement of its objectives, and information, which it is authorised or required by law to maintain.
- 1.2 The University will ensure that all records maintained are accurate, relevant and complete.
- 1.3 The University has a duty to ensure reasonable protection of privacy, commercial confidentiality, and good governance. In order to fulfil this duty, it will keep secure all personal, confidential and other relevant information, and will ensure that no information is transferred inside or outside the University, unless such transfer is in accordance with the requirements of the Act and this policy.

2. PROCEDURE FOR REQUESTS FOR ACCESS TO INFORMATION

- 2.1 Any individual may request and be informed whether the University maintains records on them. Such persons are referred to as personal requesters.
- 2.2 Any such individual may request to inspect the records, which the University maintains on them.
- 2.3 Individuals, on whom the University maintains records, have the right to request correction of facts, deletion of errors or additions to be made to such records. Such request must be made in writing (or electronically) to the Deputy Information officer.
- 2.4 Any person, including a third party, requiring information, which is held by the University, may request access to such information. Such persons are referred to as requesters, as opposed to personal requesters.
- 2.5 A request for access to information must be made to the Deputy Information officer on the prescribed form, Form A (See Annexure 1). The requester must provide full particulars of the record to which access is requested.
- 2.6 The prescribed request, access and reproduction fees, and deposit, if applicable, must be paid at the time of making a request. (See annexure 3).
- 2.7 Fees payable at the University Cashiers must be deposited against the following entity/account number:

7720 4605

The prescribed fees are payable at the University Cashiers on any of the University's campuses, in cash, by cheque or postal order (no credit card payments are permissible)

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

OR

Banking details

Account holder: Nelson Mandela University
Bank Name: Standard Bank
Account No: 080 263 011
Branch Code: 051 001
Ref No: Requester's Name + 7720 4605 {cost centre}

Payments made by mail can be addressed as follows: Cheques/postal orders must be crossed and made payable to Nelson Mandela University:

The Registrar
P O Box 77000
Nelson Mandela University
PORT ELIZABETH
6031

Please Note: No cash must be sent by mail.

- 2.8 A record will be withheld until the requester has paid the applicable fees.
- 2.9 When a Deputy Information officer has received a request for access to a particular record, he/she will make a decision whether to grant access to such record within a period of thirty (30) days of receiving such request. In certain circumstances this period may be extended.
- 2.10 If a Deputy Information officer fails to give a decision on a request for access to information within thirty (30) days of such request being received, or within a period extended in terms of the Act, then such request is deemed to have been refused, and the requester may then lodge an internal appeal.
- 2.11 The University, through its Deputy Information officer may refuse access to any record, which is, inter alia, regarded as personal or confidential according to the Act.
- 2.12 The University, through its Deputy Information officer, will refuse access to any record, the disclosure of which could reasonably be expected to endanger the life or physical or psychological safety of any individual.
- 2.13 The Act forbids the University to disclose certain records, mainly to protect certain research and similar records of the University and of third parties.
- 2.14 The Deputy Information officer must, within thirty (30) days of receiving a request, inform a third party / parties to whom or which the records relate.
- 2.15 The third party / parties may, within twenty one (21) days of being so informed,

make written representations to the Deputy 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.

The third party / parties must be notified of the decision.

3. PROCEDURE FOR AN INTERNAL APPEAL

- 3.1 A requester or a third party may lodge an internal appeal against the decision of the Deputy Information officer.
- 3.2 An appeal application must be lodged within sixty (60) days of the decision of the Deputy Information officer, on the prescribed **Form B** (See annexure 2), which is obtainable from the Deputy Information officer. The Information Officer must allow late lodging of the appeal, on good cause shown.
- 3.3 The appellant must clearly indicate the decision against which the appeal is being lodged, and the grounds on which the internal appeal is based.
- 3.4 The required appeal fees must be paid on lodging an internal appeal. (See Annexure 3.)
- 3.5 The Information Officer must, within thirty (30) days of receiving an internal appeal, inform a third party/parties to whom or which the records relate.
- 3.6 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.
- 3.7 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:
 - (a) state adequate reasons for the decision,
 - (b) exclude, from such reasons, any reference to the content of the record, and state that the appellant may lodge an application with a court against the decision on internal appeal, within sixty (60) days thereof.
- 3.8 The Information Officer must immediately after the decision on an internal appeal, give notice of the decision to the third party/parties concerned.

4. APPLICATIONS TO COURT

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

5. 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.

SECTION E: E-MAIL RECORDS

1. The computer resources of the University are intended for official and/or research purposes only. Personal use by personnel and students is permitted, but should be kept to a minimum.
2. Information stored on the University's computer resources is a record in the possession or under the control of the University.
3. Neither personnel nor students of the University should have any expectation of privacy in relation to information stored on the University's computers, except as provided by the Act.
4. The University encourages the use of electronic mail and respects the privacy of users and will therefore not routinely inspect, monitor or disclose electronic mail without the user's consent. However, the University may, without the prior knowledge of the user, inspect, monitor, or disclose electronic mail sent by a user if it suspects that:
 - 4.1 the electronic mail facility is being abused, or
 - 4.2 the electronic mail facility is being used for illegal or immoral purposes.
5. Users of the University's computer resources may not seek out, use or disclose personal or confidential information stored on the University's computers unless authorised by the University.

SECTION F

Supplementary guidelines pertaining to requests relating to specific categories of records are available from the Deputy Information Officer.

Annexure 6

SUPPLEMENTARY GUIDELINES TO THE MANUAL

containing

POLICY AND GUIDELINES ON ACCESS TO INFORMATION

This supplementary guidelines is available in the following three official languages:

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CONTENTS

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2. Section B: Personnel Records Policy
3. Section C: Student Records Policy
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SUPPLEMENTARY GUIDELINES TO THE MANUAL CONTAINING POLICY AND GUIDELINES ON ACCESS TO INFORMATION: GUIDELINES FOR REQUESTERS

SECTION A: DUTIES OF INFORMATION OFFICERS

- 1.1 The Information Officer shall appoint deputy information officers and delegate his/her powers to such deputy information officers in writing.
- 1.2 The Information Officer shall cause her/himself and all deputy information officers to be properly trained to enable them to fulfil all their obligations in terms of the Act.
- 1.3 The Information Officer shall cause a manual to be compiled in three official languages. The information contained in the manual shall include, but not be limited to:
 - (a) contact details of the information and deputy information officers;
 - (b) details on how to request access to information;
 - (c) a description of the subjects on which the University holds records and the categories of records held on each subject;
 - (d) information, which is automatically available without a person having to request access in terms of the Act.
- 1.4 The Information officer shall cause records to be kept of the number of:
 - (a) Requests for access received
 - (b) Requests for access granted fully or in part
 - (c) Requests for access denied fully or in part
 - (d) Internal appeals lodged and the outcome of such appeals
 - (e) Applications made to court on the ground that a request/an internal appeal was dismissed (Internal appeal procedures must be exhausted before the requester may make application to the court for a review of the decision.)
 - (f) Instances in which the time periods stipulated in the Act were extended in terms of the Act.

2. DUTIES OF DEPUTY INFORMATION OFFICERS

- 2.1 Once a deputy information officer has received a request for access to a particular record held by the University, he/she will take all reasonable steps necessary to preserve that record until:
 - (a) such time as the request has been granted or denied;
 - (b) the periods for lodging an internal appeal, application to court or appeal against such the outcome of such application, have expired;
 - (c) the internal appeal, application to court, or appeal against the outcome of such application, has been finally determined.
- 2.2 When a deputy information officer has received a request for access to a particular record, he/she will make a decision whether to grant access to such

record within a period of thirty (30) days of receiving such request. In certain circumstances this period may be extended.

- 2.3 If a deputy information officer fails to give a decision on a request for access to information within thirty (30) days of such request being received, then such request is deemed to have been refused, and the requester may then lodge an internal appeal.

SECTION B: PERSONNEL RECORDS

1. The University will maintain records on personnel, which contain information pertaining to the individual, only to the extent that it is necessary and relevant for official University purposes, and to the extent required by law.
2. Subject to its e-mail policy, the University will respect the privacy of its personnel. In order to ensure this, no personal information which the University holds on an individual, will be disclosed to a third party, unless such disclosure:
 - 2.1 reveals evidence of a contravention of the law, or
 - 2.2 reveals evidence of an imminent and serious public safety or environmental risk, and
 - 2.3 the public interest in the disclosure of the record outweighs the potential harm to the personnel member.
3. Notwithstanding paragraph 2 above, personal information of a personnel member must be disclosed if:
 - 3.1 The personnel member has consented to its disclosure;
 - 3.2 The personnel member was informed, before such personal information was given, that the information belongs to a class of information that would or might be made available to the public;
 - 3.3 Such information is already publicly available;
 - 3.4 The information requested is about a deceased individual and the requester is the deceased individual's next of kin, or written consent has been given by the deceased's next of kin;
 - 3.5 The information relates to the position or functions of the personnel member, including but not limited to the fact that the individual is or was an official or employee of the University; the title, work address, work phone number and other similar particulars; the classification, salary scale, remuneration and responsibilities of the position held or services performed by the individual; and the name of the individual on a record prepared by the individual during the course of his/her employment.
4. A personnel member has the right to enquire and be notified whether the

University maintains records on him/her, and whether such records may be inspected. However, this is subject to the right of the University to refuse to disclose any record, which contains evaluative material.

5. A personnel member is entitled to request correction of facts, deletion of errors or additions to be made in the records, which are held on her/him by the University.
6. A request for access to a personnel member's record may be refused if the request is manifestly frivolous or vexatious, or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

DEFINITION OF PERSONNEL RECORDS

Personnel records of the University include staff files, job evaluation records and applications for posts.

SECTION C: STUDENT RECORDS POLICY

1. A reference to student shall include a reference to an alumnus, with the necessary changes.
2. The University will only retain information on a student to the extent necessary and relevant for official University purposes.
3. Subject to its e-mail policy, the University will respect the privacy of students. In order to ensure this, no personal information, which the University holds on a student will be disclosed, unless such information:
 - 3.1 reveals evidence of a contravention of the law, or
 - 3.2 reveals evidence of an imminent and serious public safety or environmental risk, and
 - 3.3 the public interest in the disclosure of information outweighs the potential harm to the student.
4. Notwithstanding paragraph 2 above, personal information about a student must be disclosed if:
 - 4.1 the student has consented to the disclosure;
 - 4.2 the student was informed, before such personal information was given, that the information belongs to a class of information that would or might be made available to the public;
 - 4.3 such information is already publicly available; or
 - 4.4 the information requested is about a deceased student and the requester is the deceased student's next of kin, or written consent has been given by the deceased student's next of kin.
5. A student has the right to enquire and be notified of whether the University maintains records on him/her and whether such records may be inspected.

However, this is subject to the University's right to refuse to disclose any record, which contains evaluative material. Marked examination papers are not deemed to be evaluative material for the purposes of this policy.

6. A student is entitled to request correction of facts or deletion of errors to be made in the records, which are held on her/him by the University.
7. The names, address and qualifications of a student will only be made available to a third party requesting such information if:
 - 7.1 the third party is requesting such information in his/her capacity as a prospective employer of the student, or
 - 7.2 the University is legally obliged to disclose such information.
8. A student shall, as a condition of enrolment, give written authorisation for the disclosure of relevant personal information to his/her employer, to bona fide prospective employers, and to persons who are responsible for the payment of the student's fees.
9. Only relevant personal information of a student will be made available to internal staff or bodies of the University, and only if such information is requested for official University purposes.
10. A request for access to a student's record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

DEFINITION OF STUDENT RECORDS

Student records of the University include student files, academic records including theses and dissertations, examination papers, and graduation programmes.

Alumni records of the University include qualifications obtained and personal information pertaining to alumni of the University.

SECTION D: THIRD PARTY RECORDS POLICY

1. The deputy information officer must refuse a request for a record if the disclosure would be in breach of a duty of confidence owed to a third party in terms of an agreement. However, such a request may not be refused if:
 - 1.1 the record is already publicly available, or
 - 1.2 the third party has consented to its disclosure.
2. The deputy information officer must refuse access to a record that:
 - 2.1 contains trade secrets of a third party;
 - 2.2 contains financial, commercial, scientific or technical information, the disclosure of which is likely to cause commercial or financial harm to the third party;

- 2.3 is likely to put the third party at a disadvantage in contractual or other negotiations;
- 2.4 is likely to prejudice the third party in commercial competition.
- 3. Notwithstanding paragraph 2 above, a record may not be refused if it consists of information:
 - 3.1 that is already publicly available;
 - 3.2 that the third party has consented to its disclosure;
 - 3.3 that is about the results of environmental testing or other investigations and its disclosure would reveal a serious public safety or environmental risk.
- 4. The deputy information officer may refuse access to a record supplied to it by a third party if:
 - 4.1 it is likely to prejudice the future supply of similar information or information from the same source, and
 - 4.2 it is in the public interest that similar information or information from the same source should continue to be supplied.
- 5. Notwithstanding paragraph 4 above, a record may not be refused if:
 - 5.1 it is already publicly available, or
 - 5.2 the third party has consented to its disclosure.

DEFINITION OF OPERATIONS RECORDS AND FACULTY RECORDS

Operations records of the University include official minutes of University meetings, data bases of University clients, web pages, and electronic communication records.

SECTION E: FINANCIAL AND COMMERCIAL RECORDS POLICY

- 1. Access to financial and commercial records may be refused if such record:
 - 1.1 contains trade secrets of the State or the University;
 - 1.2 contains financial, commercial, scientific, or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or University;
 - 1.3 contains information, the disclosure of which could put the University at a disadvantage in contractual or other negotiations or prejudice the University in commercial competition; or
 - 1.4 is a computer program as defined in section 1(1) of the Copyright Act, 98 of 1978 and owned by the University.
- 2. Notwithstanding the above paragraph, a commercial or financial record may not be refused if it consists of information:
 - 2.1 already publicly available;
 - 2.2 about another public body, which body has consented in writing to the disclosure;

- or
- 2.3 about the results of any product or environmental testing carried out by or on behalf of the University, and its disclosure would reveal a serious public safety or environmental risk.
 3. A request for access to a financial or commercial record held by the University may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.
 4. A request for access to a financial or commercial record must be granted if it:
 - 4.1 reveals evidence of a contravention of the law, or
 - 4.2 reveals evidence of an imminent and serious public safety or environmental risk, and
 - 4.3 the public interest in the disclosure of the information outweighs the potential harm to the requester.

DEFINITION OF FINANCIAL AND COMMERCIAL RECORDS

Financial and Commercial records of the University include budgetary documentation, statements and accounts, and University contracts and agreements concluded with third parties.

SECTION F: OPERATIONS RECORDS POLICY

1. Requests for records relating to the operational aspects of the University may be refused if:
 - 1.1 the record contains an opinion, advice, report, or recommendation obtained by and/or prepared by the University;
 - 1.2 the record is an account of a consultation, discussion, or deliberation that has occurred for the purpose of assisting to formulate a policy or take a decision in the exercise of a power, performance or duty imposed on the University by law;
 - 1.3 the disclosure of the record can reasonably be expected to frustrate the deliberative process in the University or between the University and another public body by inhibiting the candid communication of an opinion, advice, report, or recommendation or inhibiting the candid conducting of a consultation, discussion, or deliberation;
 - 1.4 it would amount to a premature disclosure of a policy with the result that it could reasonably be expected to frustrate the success of that policy;
 - 1.5 the disclosure could jeopardise the effectiveness of a testing, examining or auditing procedure or method used by the University;
 - 1.6 the record contains evaluative material and disclosure thereof would breach an express or implied promise which was made to the person who supplied the material to the effect that the material or the identity of the provider, or both, would be held in confidence;
 - 1.7 the record contains a preliminary, working or other draft of an official of the

University.

2. Notwithstanding paragraph 1 above, an operation record may not be refused if it came into existence more than 20 years before the request was made.
3. A request for access to an operation record must be granted if it:
 - 3.1 reveals evidence of a contravention of the law, or
 - 3.2 reveals evidence of an imminent and serious public safety or environmental risk, and
 - 3.3 the public interest in the disclosure of information outweighs the potential harm to the requester.
4. A request for access to an operational record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.

SECTION G: RESEARCH RECORDS POLICY

1. Access to records containing information about research being conducted or to be carried out by or on behalf of a third party, must be refused if the disclosure would be likely to expose:
 - 1.1 the third party;
 - 1.2 a person that is or will be carrying out research on behalf of a third party; or
 - 1.3 the subject matter of the research to serious disadvantage.
2. Access to records containing information about research being conducted or to be carried out by or on behalf of the University, may be refused if the disclosure would be likely to expose:
 - 2.1 the University,
 - 2.2 the person who will be carrying out the research on behalf of the University, or
 - 2.3 the subject matter of the research, to serious disadvantage.
3. A request for access to research records may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the University.
4. Notwithstanding paragraphs 1 and 2 above, a request for access to research records must be granted if it:
 - 4.1 reveals evidence of a contravention of the law, or
 - 4.2 reveals evidence of an imminent and serious public safety or environmental risk, and
 - 4.3 the public interest in the disclosure of information outweighs the harm to the requester.

NELSON MANDELA UNIVERSITY

ANNEXURE 1

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 6]

FOR OFFICIAL USE	Reference number:
Request received by _____ (state rank, name and surname of deputy information officer) on (date) _____ at _____ (place).	
Request fee (if any): R	
Deposit (if any): R.....	
Access fee: R.....	
SIGNATURE OF INFORMATION OFFICER/DEPUTY	
INFORMATION OFFICER	

PLEASE NOTE: Requests will only be processed if this application form has been completed in full, signed by the requester, and the applicable fees have been paid. Requesters should also read the General Policy and Guidelines on Access to Information (Section D of the Manual).

Particulars of public body:

Nelson Mandela University. A University established in accordance with the Higher Education Act, 1997.

Deputy Information Officer:

The Director: Legal Services
P O Box 77000
Nelson Mandela University
PORT ELIZABETH
6031

Fax number: +27 41 504-2183
Tel number: +27 41 504-3264
E-mail: Daryl.Newton@mandela.ac.za

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 fax number in the Republic to which the information is to be sent, must be given.
(c) Proof of capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____
Identity number: _____
Postal address: _____
Fax number: _____
Telephone number: _____ E-mail address: _____

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

Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____
Identity number: _____

Particulars of record

- (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.
(b) 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.

- a. Description of record or relevant part of the record:** _____
b. Reference number, if available: _____
c. Any further particulars of record: _____

Fees

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

Reason for exemption from payment of fees:

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 below state your disability and indicate in which form the record is required.			
Disability:		Form in which record is required:	
Mark the appropriate box with an X . NOTES: (a) Compliance with your request for access 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 to 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 the 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* (stiffy or compact disc)
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			YES
Postage is payable.			NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.			
In which language would you prefer the record?			

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 of _____ 20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

.....

NELSON MANDELA

UNIVERSITY

ANNEXURE 2

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

STATE YOUR REFERENCE
NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer: **P O Box 77000**
Nelson Mandela University
PORT ELIZABETH
6031

Fax number: +27 41 504-2183

Tel number: +27 41 504-3264

E-mail: Daryl.Newton@mandela.ac.za

B. Particulars of requester/third party who lodges the internal appeal

- (c) The particulars of the person who lodges the internal appeal must be given below.
- (d) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (e) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:	
<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
You must sign all the additional folios.

State the grounds on which the internal appeal is based:
 State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: _____
 Particulars of manner: _____
 Signed at _____ this _____ day of _____ 20

.....
SIGNATURE OF APPELLANT

FOR OFFICIAL USE:	
OFFICIAL RECORD OF INTERNAL APPEAL:	
Appeal received on _____ (date) by _____ (state rank, name and surname of information officer/deputy information officer). Appeal accompanied by the reasons for the deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the deputy information officer on (date) _____ to the Information Officer.	
OUTCOME OF APPEAL:	
DECISION OF DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED NEW DECISION:	
INFORMATION OFFICER _____	DATE _____
RECEIVED BY THE DEPUTY INFORMATION OFFICER FROM THE INFORMATION OFFICER ON (date): _____	

NELSON MANDELA

UNIVERSITY

ANNEXURE 3

FEES PAYABLE

Fees are payable in terms of sections 15 and 22 of the Promotion of Access to Information Act, 2000, read together with the regulations promulgated under section 22 of the Act.

A record will be withheld until the prescribed fees have been paid.

1. **REQUEST FEES** (Section 22(1), Regulation 7(2))

The request fee payable to the University by every requester, except a personal requester, is R35,00.

2. **ACCESS FEES** (Section 22(7), Regulation 7(3))

Access fees are payable to the University by every requester and personal requester for the search, preparation and reproduction of the requested record(s) as follows:

2.1 **SEARCH AND PREPARATION OF A RECORD FOR DISCLOSURE**

Fifteen rand (R15) for each hour or part of an hour, excluding the first hour, that is reasonably required for such search and preparation.

2.2 **REPRODUCTION FEES**

	R
(a) For every photocopy of an A4-size page or part thereof	0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0-40
(c) For a copy in a computer-readable form on –	
(i) stiffy disc	5-00
(ii) compact disc	40-00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22-00
(ii) For a copy of visual images	60-00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12-00
(ii) For a copy of an audio record	1 7-00

3. **REPRODUCTION FEES** (Section 15(3), Regulation 7(1))

Reproduction fees are payable to the University by every requester and personal requester for the reproduction of records that are automatically available, as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0-60
(e) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0-40
(f) For a copy in a computer-readable form on –	
(i) stiffy disc	5-00
(ii) compact disc	40-00
(g) (i)For a transcription of visual images, for an A4-size page or part thereof	22-00
(ii) For a copy of visual images	60-00
(e) (i)For a transcription of an audio record, for an A4-size page or part thereof	12-00
(ii) For a copy of an audio record	17-00

4. **DEPOSITS** (Section 22(2))

Where a request for access to a record is received from a requester, other than a personal requester, and the information officer has caused the search to be made and is of the opinion that the preparation of the requested records would require more than the hours prescribed for this purpose (six hours), the information officer may require the requester to pay a deposit.

The deposit payable is an amount equal to one third of the access fee that would be payable if the request is granted.

If the request for access is refused, the deposit will be refunded to the requester.

5. **POSTAGE** (Section 22(7)(a))

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

6. **INTERNAL APPEALS** (Section 22(3)) (If policy allows)

Lodgement of the appeal must be accompanied by the request fee and/or a deposit, as the case may be.

Please note: 14% Value Added Tax (“VAT”) is payable on all the abovementioned fees.

