

DUT PAIA MANUAL

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1. OUR STRUCTURE AND FUNCTIONS

Durban University of Technology is a public university situated in Durban and Pietermaritzburg functioning in terms of the Higher Education Act, 101 of 1997 and the University's Institutional Statute University which is available at www.dut.ac.za The University is organised in faculties and support departments.

2. INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER(S)

2.1. Information Officer

The Vice-Chancellor, Prof Thandwa Mthembu is our Information Officer. The Vice-Chancellor may be contacted at:

Name and surname	Professor Thandwa Zizwe Mthembu
Postal Address	P O Box 1334, Durban, 4000
Physical Address	DUT Open House, 79 Steve Biko Road, Berea, Durban, 4001
Phone	031 3732474
Email	vc@dut.ac.za

2.2. Deputy Information Officer(s)

The Vice-Chancellor has appointed the following Deputy Information Officers

Name and surname	Professor Suren Singh
Position	Acting Deputy Vice-Chancellor: Teaching and Learning
Postal Address	P O Box 1334, Durban, 4000
Physical Address	DUT S Block, 79 Steve Biko Road, Steve Biko Campus, Berea, Durban, 4001
Phone	031 373 2721
Email	dvcteachingandlearning@dut.ac.za

Name and surname	Professor Keolebogile Shirley Motaung
Position	Acting Deputy Vice-Chancellor: Research, Innovation and Engagement
Postal Address	P O Box 1334, Durban, 4000
Physical Address	IWWT, 79 Steve Biko Road, Steve Biko Campus, Berea, Durban, 4001.

Phone	031 373 2776 and 031 373 2092
Email	dvcric@dut.ac.za

Name and surname	Dr Maditsane Johannes Nkonoane
Position	Registrar
Postal Address	P O Box 1334, Durban, 4000
Physical Address	Lansdell Building, Block D, Gate 2, 79 Steve Biko Campus, Steve Biko Road, Berea, Durban, 4001.
Phone	031 373 2517
Email	Registrar@dut.ac.za

Requests in terms of the Promotion of Access to Information Act should be sent to a Deputy Information Officer.

3. THE HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission (SAHRC) has published a guide in terms of section 10 of PAIA. The guide is available in each official language and intends to assist you in exercising your rights to access information. This guide can be obtained from the SAHRC at:

**27 Stiemens Street
Braamfontein
Johannesburg 2001**

Or at any of the SAHRC's provincial offices or on the SAHRC website at www.sahrc.org.za

4. AVAILABILITY OF THIS MANUAL

This manual is available in English on our website and at our offices during business hours.

The manual sets out to provide anyone who wants to access information in terms of PAIA with the necessary contact details and procedures to ask for that information from the University. It provides a clear overview of the structure, functions, services, and index of information of the University to help identify where the required information could be. It also provides the forms and prescribed fees we require to assist you.

It also sets out how we ensure the privacy of personal information that we hold and process.

5. POLICY FORMULATION AND DECISION-MAKING

Policy is determined by the University Council. The University's decision-making processes involve wide consultation, and students and staff participate in formulating policies and making decisions at the University as regulated by the Higher Education Act 101 of 1997, as amended, and internal procedures agreed upon from time to time with the relevant representative bodies.

Interested parties may submit comments and suggestions in writing to the Registrar at the following address: registrar@dut.ac.za

6. OUR SERVICES AND HOW TO ACCESS SERVICES

DUT is a public higher education institution that offers education, research and community services. These can be viewed on the website: www.dut.ac.za

7. THE INFORMATION AND CATEGORIES OF RECORDS WE HOLD

(a) Automatically available or voluntarily disclosed records:

All information or records published on the DUT website are automatically available voluntarily, without having to submit PAIA requests. These include:-

1. Reports including the Annual reports and annual financial statements
2. Student handbooks, rules and syllabus information
3. Newsletters, media statements
4. Information about the University Details of the above may be found at the website or on application to the information officer.

(b) Categories of records held by the University that may be requested in terms of PAIA but may be subject to privacy constraints:

1. Records of organs of internal governance (the Council, the Senate, the Institutional Forum, the Students' Representative Council, the Convocation and of University committees)
2. Records of individual students (any student or past student may obtain their student record on request without having to make a request in terms of PAIA; where transcripts are required a fee may be charged.)
3. Records of individual personnel. (any staff member or past staff member may obtain their employment record on request without having to make a request in terms of PAIA).
4. Research, scientific and technical records
5. Financial records, reports, contracts, and asset registers

(c) Categories of records available without a person having to request access thereto (section 15):

No notice has been published to date

8. PROTECTION OF PERSONAL INFORMATION

Personal information is any information relating to an identifiable living individual or an identifiable, existing juristic person. We collect and use personal information to provide our products and services, and to manage our institution.

Here is a description of some of the categories of data subjects whose information we collect, hold and process and the categories of information we collect and use.

Categories of data subjects	Categories of information collected and used	Purpose for which information is collected and used
Students	Academic records, contact information, exam and test results, disciplinary information	Academic status, graduation, code of conduct.
Prospective students	Applicant information	Admission and selection
Alumni	Contact information	Alumni relations
Employees	Employee contracts and contact detail, performance and disciplinary information.	Performance management, remuneration, code of conduct.
Prospective employees	CV's, referee reports, psychometric test results	Selection and appointment.
Research subjects	Contact information, raw and manipulated data.	Research publications

8.1. Who receives personal information

We share personal information with

- Administration staff
- Academic staff
- Bursars and sponsors

8.2. Cross-border flows of information

We only transfer personal information outside the borders of South Africa if we have satisfied and complied with the requirements of POPIA.

Parties that we may share personal information with that are outside the borders of South Africa are:

- International partnership institutions
- Researchers

8.3. Information security measures

The University has a Data Governance Policy that governs electronic information security.

We have implemented appropriate, reasonable, technical, and organisational measures to secure the integrity and confidentiality of personal information.

9. HOW TO REQUEST ACCESS TO A RECORD

You can request access to records by completing Form 2. If you cannot write or read, or are disabled, and verbally request a record, we will complete Form 2 on your behalf and give you a copy.

You must complete Form 2 and submit it to the Registrar, together with any other information we regard as necessary to consider your request. Any request that does not comply with the formalities in this manual will be sent back to you with advice on the steps you should take to comply with the formalities. If you are making a request on behalf of someone else, you must submit reasonable proof of authority.

You must provide us with proof of identity before we can process any request.

10. OUTCOME OF YOUR REQUEST AND FEES PAYABLE

We will decide whether to grant or decline your request within 30 days of receiving your request. We will notify you of our decision and provide reasons for accepting or refusing your request.

We will also inform you of the fees payable. We may require that you pay a deposit before we process your request. Deposits and fees are payable at [[Standard Bank, Kingsmead Branch, Account no. 050007068, Branch Code 040026, Branch Code \(electronic payments 051001, Account type Business Current Account\)](#)]. If you request large quantities of information or if we cannot reasonably obtain the information you request within the original 30-day period, we might have to extend the period with another 30 days. We will notify you in writing if we require an extension.

If we do not give you a decision on a request for access to records within the period stipulated above, it means that we refused your request in terms of section 27 of PAIA.

11. REASONS WHY WE MAY REFUSE YOUR REQUEST

If the record does not exist we will inform you.

If there are records that we cannot find despite a reasonable and diligent search, we will notify you with an affidavit explaining the measures we have taken to locate the record. If, after we have issued such an affidavit, we find the records, we will grant you access to the records unless the processing of the records would result in a substantial and unreasonable diversion of our resources, or unless your request is clearly frivolous or vexatious, or unless one of the grounds for refusal of access to a record as set in the PAIA applied.

For further grounds for refusal of access to records please refer to Chapter 4 of Part 2 of PAIA.

12. WHAT YOU CAN DO IF YOU ARE DISSATISFIED WITH A DECISION

You may [appeal](#) or [complain about](#) any of the following:

- our refusal to grant you access to a record;
- the access fee that we charge;
- our decision to extend the 30 days for responding to your request; and
- the way in which access is granted.

You may lodge an internal appeal or complaint against a decision as follows

- A member of the public may lodge a complaint in writing with the Registrar of the University at registrar@dut.ac.za.
- The University's internal grievance procedure may be utilised by staff members.
- Procedures for student complaints and appeals are set out in full in the annual handbooks which may be seen at www.dut.ac.za.

If the complaint is that we have failed to provide access as the PAIA legislation requires, (i.e. a failure to act in terms of the Promotion of Access to Information Act, Act 2 of 2000) and we fail to resolve this through one of the above channels for complaint you may take such steps as provided for in sections 74 to 82 of the PAIA Act. This provides for you to:

- complain about our decision to the Information Regulator; and

12.1. Complain to the Information Regulator

You may submit a complaint to the Information Regulator if you are dissatisfied with the decision of our Information Officer:

- to refuse your request for access;
- regarding the access fee charged;
- to extend the 30 days for responding to your request; or
- the way in which access is granted.

You must submit your complaint within 180 days of our decision.

You must use Form 5 to submit your complaint to complaints.IR@justice.gov.za

12.2. Applications to court

You may apply for appropriate relief from a court if you are dissatisfied with the Information Regulator's decision or by the decision of our Information Officer:

- to refuse your request for access;
- regarding the access fee charged;

- to extend the 30 days for responding to your request; or
- the way in which access is granted.

You can only apply to a court after you have exhausted the complaints procedure to the Information Regulator.

You must apply to a court within 180 days.

13. OTHER INFORMATION

For any other information not contained in this manual, kindly contact the Registrar or a Deputy Information Officer. Contact details of which are given in paragraph 2 above.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made <i>(when made on behalf of another person)</i>	
Postal Address	
Street Address	
E-mail Address	
Contact Numbers	Tel. (B): <input type="text"/> Facsimile: <input type="text"/>
	Cellular: <input type="text"/>
Full names of person on whose behalf request is made <i>(if applicable)</i> :	
Identity Number	
Postal Address	

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED
If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer



INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information
and effective access to information

Address: JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001
P.O. Box 31533
Braamfontein, Johannesburg, 2017
Tel: 010 023 5200
Email: PAIAComplaints@infoRegulator.org.za

COMPLAINT FORM

FORM 5 [Regulation 10]

NOTE:

1. This form is designed to assist the Requester or Third Party (hereinafter referred to as "the Complainant") in requesting a review of a Public or Private Body's response or non-response to a request for access to records under the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA"). Please fill out this form and send it to the following email address: PAIAComplaints@infoRegulator.org.za or complete online complaint form available at <https://www.justice.gov.za/inforeq/>.
2. PAIA gives a member of the public a right to file a complaint with the Information Regulator about any of the nature of complaints detailed in part F of this complaint form.
3. It is the policy of the Information Regulator to defer investigating or to reject a complaint if the Complainant has not first given the public or private body (herein after referred to as "the Body") an opportunity to respond to and attempt to resolve the issue. To help the Body address your concerns prior to approaching the Information Regulator, you are required to complete the prescribed **PAIA Form 2** and submit it to the Body.
4. A copy of this Form will be provided to the Body that is the subject of your complaint. The information you provide on this form, attached to this form or that you supply later, will only be used to attempt to resolve your dispute, unless otherwise stated herein.
5. The Information Regulator will only accept your complaint once you confirm having complied with the prerequisites below.
6. **Please attach copies of the following documents, if you have them:**
 - a. Copy of the form to the Body requesting access to records;
 - b. The Body's response to your complaint or access request;
 - c. Any other correspondence between you and the Body regarding your request;
 - d. Copy of the appeal form, if your complaint relate to a public body;
 - e. The Body's response to your appeal;
 - f. Any other correspondence between you and the Body regarding your appeal;
 - g. Documentation authorizing you to act on behalf of another person (if applicable);
 - h. Court Order or Court documents relevant to your complaint, if any.
7. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

CAPACITY OF PERSON/PARTY LODGING A COMPLAINT

(Mark with an "X")

- Complainant Personally
- Representative of Complainant
- Third Party

PREREQUISITES

Did you submit request (PAIA form) for access to record of a public/private body?	Yes		No	
Has 30 days lapsed from the date on which you submitted your PAIA form?	Yes		No	
Did you exhaust all the internal appeal procedure against a decision of the Information officer of a public body?	Yes		No	
Have you applied to Court for appropriate relief regarding this matter?	Yes		No	

Adv. FDP Tlakula (Chairperson), Adv. LC Stroom Nzama (Full-time Member), Adv. JC Weapond (Full-time Member), Prof. SL Snail ka Mtuze (Part-time Member), Ms. A Tilley (Part-time Member).



FOR INFORMATION REGULATOR'S USE ONLY			
Received by: (Full names)			
Position			
Signature			
Complaint accepted	Yes		No
Reference Number			
Date stamp			

Postal address	Facsimile	Other electronic communication (Please specify)	

PART A PERSONAL INFORMATION OF COMPLAINANT			
Full Names			
Identity Number			
Postal Address			
Street Address			
E-Mail Address			
Contact numbers	Tel. (B)		Facsimile
	Cellular		

PART B REPRESENTATIVE INFORMATION (Complete only if you will be represented. A Power of Attorney must be attached if complainant is represented, failing which the complaint will be rejected)			
Full Names of Representative			
Nature of representation			
Identity Number / Registration Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PART C THIRD PARTY INFORMATION (Please attach letter of authorisation)			
Type of Body	Private		Public
Name of Public / Private Body			
Registration Number (if any)			
Name, Surname and Title of person authorised to lodge a complaint			
Postal Address			
Street Address			
E-mail Address			

Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
PART D BODY AGAINST WHICH THE COMPLAINT IS LODGED				
Type of body	Private	Public		
Name of public / private body				
Registration number (if any)				
Name, surname and title of person you dealt with at the public or private body to try to resolve your complaint or request for access to information				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular			
Reference Number given (if any)				
PART E COMPLAINT				
<i>Tell us about the steps you have taken to try to resolve your complaint (Complaints should first be submitted directly to the public or private body for response and possible resolution)</i>				
Date on which request for access to records submitted.				
Please specify the nature of the right(s) to be exercised or protected, if a complaint is against a private body.				
Have you attempted to resolve the matter with the organisation?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, when did you receive it? (Please attach the letter to this application.)				
Did you appeal against a decision of the information officer of the public body?	Yes	<input type="checkbox"/>		
If yes, when did you lodge an appeal?				
Have you applied to Court for appropriate relief regarding this matter?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
If yes, please indicate when was the matter adjudicated by the Court? Please attach Court Order, if there is any.				
PART F DETAILED TYPE OF ACCESS TO RECORDS				
<i>(Please select one or more of the following to describe your complaint to the Information Regulator)</i>				
Unsuccessful appeal (Section 77A(2)(a) or section 77A(3)(a) of PAIA)	<i>I have appealed against the decision of the public body and the appeal is unsuccessful.</i>			
Unsuccessful application for condonation (Sections 77A(2)(b) and 75(2) of PAIA)	<i>I filed my appeal against the decision of the public body late and applied for condonation. The condonation application was dismissed.</i>			

Refusal of a request for access (Section 77A(2)(c)(i) or 77A(2)(d)(i) or 77A(3)(b) of PAIA)	<i>I requested access to information held by a body and that request was refused or partially refused.</i>	<input type="checkbox"/>
The body requires me to pay a fee and I feel it is excessive (Sections 22 or 54 of PAIA)	<i>Tender or payment of the prescribed fee.</i>	<input type="checkbox"/>
	<i>The tender or payment of a deposit.</i>	<input type="checkbox"/>
Repayment of the deposit (Section 22(4) of PAIA)	<i>The information officer refused to repay a deposit paid in respect of a request for access which is refused.</i>	<input type="checkbox"/>
Disagree with time extension (Sections 26 or 57 of PAIA)	<i>The body decided to extend the time limit for responding to my request, and I disagree with the requested time limit extension or a time extension taken to respond to my access request.</i>	<input type="checkbox"/>
Form of access denied (Section 29(3) or 60(a) of PAIA)	<i>I requested access in a particular and reasonable form and such form of access was refused.</i>	<input type="checkbox"/>
Deemed refusal (Section 27 or 58 of PAIA)	<i>It is more than 30 days since I made my request and I have not received a decision.</i>	<input type="checkbox"/>
	<i>Extension period has expired and no response was received.</i>	<input type="checkbox"/>
Inappropriate disclosure of a record (Mandatory grounds for refusal of access to record)	<i>Records (that are subject to the grounds for refusal of access) have inappropriately/unreasonable been disclosed.</i>	<input type="checkbox"/>
No adequate reasons for the refusal of access (Section 56(3)(a) of PAIA)	<i>My request for access is refused, and no valid or adequate reasons for the refusal, were given, including the provisions of this Act which were relied upon for the refusal.</i>	<input type="checkbox"/>
Partial access to record (Section 28(2) or 59(2) of PAIA)	<i>Access to only a part of the requested records was granted and I believe that more of the records should have been disclosed.</i>	<input type="checkbox"/>
Fee waiver (Section 22(8) or 54(8) of PAIA)	<i>I am exempt from paying any fee and my request to waive the fees was refused.</i>	<input type="checkbox"/>
Records that cannot be found or do not exist (Section 23 or 55 of PAIA)	<i>The Body indicated that some or all of the requested records do not exist and I believe that more records do exist.</i>	<input type="checkbox"/>
Failure to disclose records	<i>The Body decided to grant me access to the requested records, but I have not received them.</i>	<input type="checkbox"/>
No jurisdiction (exercise or protection of any rights) (Section 50(1)(a) of PAIA)	<i>The Body indicated that the requested records are excluded from PAIA and I disagree.</i>	<input type="checkbox"/>
Frivolous or vexatious request (Section 45 of PAIA)	<i>The Body indicated that my request is manifestly frivolous or vexatious and I disagree.</i>	<input type="checkbox"/>
Other <i>(Please explain)</i>		

**PART G
EXPECTED OUTCOME**

How do you think the Information Regulator can assist you? Describe the result or outcome that you seek.

**PART H
AGREEMENTS**

The legal basis for the following agreements is explained in the Privacy Notice on how to file your complaint document. In order for the Information Regulator to process your complaint, you need to check each one of the checkboxes below to show your agreement:

I agree that the Information Regulator may use the information provided in my complaint to assist it in researching issues relating to the promotion of the right of access to information as well as the protection of the right to privacy in South Africa. I understand that the Information Regulator will never include my personal or other identifying information in any public report, and that my personal information is still protected by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013). I understand that if I do not agree, the Information Regulator will still process my complaint.

The information in this Complaint Form is true to the best of my knowledge and belief.

I authorize the Information Regulator to collect my personal complaint information (such as the information about me in this complaint form) and use it to process my human rights complaint relating to the right of access to information and / or the protection of the right to privacy.

I authorise anyone (such as an employer, service provider, witness) who has information needed to process my complaint to share it with the Information Regulator. The Information Regulator can obtain this information by talking to witnesses or asking for written records. Depending on the nature of the complaint, these records could include personnel files or employer data, medical or hospital records, and financial or taxpayer information.

If any of my contact information changes during the complaint process, it is my responsibility to inform the Information Regulator; otherwise my complaint could experience a delay or even be closed.

Signed at _____ this _____ day of _____ 20 _____

Complainant/Representative/Authorised person of Third party