



Access to Information Manual¹

(In terms of section 14 of the Promotion of Access to Information Act 2 of 2000)

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¹ Section 14 of the Promotion of Access to Information Act 2 of 2000 requires that the manual be compiled in at least 3 official languages. In addition, the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002) require the information officer of a public body, immediately after the manual has been compiled, to make available a copy of the manual in each of the 3 official languages in which it has been compiled to the Human Rights Commission and to make the manual available on the public body's website and at its premises.

1 Introduction

- 1.1 This manual has been compiled by the Council on Higher Education (CHE) in terms of section 14 of the Promotion of Access to Information Act 2 of 2000 (the Information Act) in order to assist persons requesting access to records in the possession or under the control of the CHE.
- 1.2 The Information Act gives effect to the constitutional right of access to information as contemplated in section 32 of the Constitution.

2 Status of the CHE

The CHE -

- 2.1 is established as a juristic person in terms of section 4 of the Higher Education Act 101 of 1997 (the Higher Education Act) to advise the Minister on any aspect of higher education;
- 2.2 is a public body for purposes of the Information Act and must comply with its obligations as a public body under that Act; and
- 2.3 is a Schedule 3 listed public entity for purposes of the Public Finance Management Act 1 of 1999 (the PFMA).

3 Structure of the CHE

The Council

- 3.1 The CHE consists of a maximum of 23 members made up as follows:
 - 3.1.1 the Minister of Education appoints -
 - the chairperson;
 - up to 13 ordinary members; and
 - 6 non-voting members nominated respectively by the Directors-General of the Departments of Education, Arts and Culture, and Labour; the Provincial Heads of Education; the National Research Foundation established in terms of the National Research Foundation Act 23 of 1998; and the South African Qualifications Authority (SAQA) established in terms of the South African Qualifications Authority Act 58 of 1995 (the SAQA Act);
 - 3.1.2 up to 3 further members co-opted by the CHE.
- 3.2 The chairperson and ordinary members are appointed from nominations by –

- the public;
- national organisations representing students, academic employees, university principals, technikon principals, principals of higher education colleges, principals of private higher education institutions, the further education sector, educators, organised business, and organised labour;
- research and science councils; and
- non-governmental organisations.

The executive committee

- 3.3 The CHE has established an executive committee consisting of the chairperson of the CHE and 4 other members appointed by the CHE.

The Higher Education Quality Committee

- 3.4 The CHE has established the Higher Education Quality Committee to perform its quality promotion and quality assurance functions in terms of the Higher Education Act. The Higher Education Quality Committee is deemed to be accredited by SAQA in terms of section 5(1)(a)(ii) of the SAQA Act as an Education and Training Quality Assurance body primarily responsible for higher education.

Other committees

- 3.5 The CHE may establish other committees in addition to the Higher Education Quality Committee and the executive committee, to assist in the performance of its functions. Any committee other than the executive committee may include persons who are not members of the CHE.

Chief executive officer and other employees

- 3.6 The CHE must appoint a chief executive officer –
- to perform the functions determined by the CHE;
 - to supervise the employees of the CHE; and
 - to account for the assets and liabilities of the CHE.
- 3.7 The CHE may appoint such other employees as it deems necessary to assist the chief executive officer.

4 Functions of the CHE

4.1 The CHE may advise the Minister on any aspect of higher education on its own initiative, and must:

- 4.1.1 advise the Minister on any aspect of higher education at the request of the Minister;
- 4.1.2 arrange and co-ordinate conferences;
- 4.1.3 through its permanent committee, the Higher Education Quality Committee -
 - promote quality assurance in higher education;
 - audit the quality assurance mechanisms of higher education institutions; and
 - accredit programmes of higher education.
- 4.1.4 publish information regarding developments in higher education, including reports on the state of higher education, on a regular basis;
- 4.1.5 promote the access of students to higher education institutions; and
- 4.1.6 perform any other function:
 - conferred on or assigned to it in terms of the Higher Education Act;
 - delegated or assigned to it by the Minister by notice in the *Government Gazette*.

4.2 The advice contemplated in 4.1.1 above, includes advice on -

- 4.2.1 quality promotion and quality assurance;
- 4.2.2 research;
- 4.2.3 the structure of the higher education system;
- 4.2.4 the planning of the higher education system;
- 4.2.5 a mechanism for the allocation of public funds;
- 4.2.6 student financial aid;
- 4.2.7 student support services;

4.2.8 governance of higher education institutions and the higher education system; and

4.2.9 language policy.

4.3 The CHE and the Higher Education Quality Committee must comply with the policies and criteria formulated by SAQA in terms of section 5(1)(a)(ii) of the SAQA Act.

5 Information to be provided to the CHE

Every national and provincial department of state, every publicly funded science, research and professional council and every higher education institution must provide the CHE with such information as the CHE may reasonably require for the performance of its functions in terms of the Higher Education Act.

6 How to request access to a record of the CHE

6.1 A request for access to a record of the CHE must -

6.1.1 substantially correspond with Form C of Annexure B to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference the form is reproduced as Schedule 1 to this manual;

6.1.2 be submitted to the information officer of the CHE, together with any applicable request fee, at the address, fax number or electronic mail address below:

The Information Officer²
Council on Higher Education
Didacta Building
211 Skinner Street
Pretoria
0001

Alternatively

PO Box 13354
The Tramshed
Pretoria
0126

Tel: (012) 392 9100
Fax (012) 392 9110

² The CHE must designate an email contact address for the information officer.

E-mail: admin@che.ac.za

6.2 The request form must:

6.2.1 provide sufficient particulars to enable the CHE to identify both:

- the requester; and
- the record or records requested;

6.2.2 indicate the form of access requested;

6.2.3 specify the postal address or fax number of the requester in the Republic of South Africa;

6.2.4 identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;

6.2.5 if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and

6.2.6 if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the CHE.

6.3 The chief executive officer is the information officer of the CHE.

7 Request and access fees

7.1 A requester is required to pay the applicable request and access fees contemplated in sections 52 and 54 of the Information Act and as prescribed in items 2, 3, and 4 of Part III of Annexure A to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference, the prescribed request and access fees are set out in Schedule 2 to this manual.

7.2 In addition, a requester may also be required to pay a deposit.

7.3 The CHE may withhold access to any record requested until the requester concerned has paid the applicable fee.

8 Subjects and categories of records held by the CHE

The CHE holds records in general subjects and categories, including the following:

8.1 Institutional records

- 8.1.1 Minutes of the CHE and its committees
- 8.1.2 Internal CHE correspondence
- 8.1.3 External CHE correspondence
- 8.1.4 Internal policies and procedures
- 8.1.5 External policies and procedures
- 8.1.6 Commercial contracts with third parties
- 8.1.7 Memoranda of understanding with other statutory bodies
- 8.1.8 Records relating to quality assurance in higher education
- 8.1.9 Records relating to auditing of quality assurance mechanisms of higher education institutions
- 8.1.10 Records relating to accreditation of higher education programmes
- 8.1.11 Research reports, publications and newsletters

8.2 Financial records

- 8.2.1 General accounting records
- 8.2.2 Annual budgets
- 8.2.3 Annual financial reports
- 8.2.4 Annual financial statements
- 8.2.5 Asset registers
- 8.2.6 Income tax records
- 8.2.7 Internal financial policies and procedures

8.3 Human resource records

- 8.3.1 Staff employment contracts
- 8.3.2 Internal policies and procedures

8.3.3 Provident fund records

8.3.4 Medical aid records

8.3.5 Personnel records

8.4 **Statutory records**

As a statutory body and an employer, the CHE holds records required by a range of laws, including records required or provided for by the following laws:

8.4.1 Income Tax Act 58 of 1962

8.4.2 Value Added Tax Act 89 of 1991

8.4.3 Higher Education Act 101 of 1997

8.4.4 South African Qualifications Authority Act 58 of 1995

8.4.5 Labour Relations act 66 of 1995

8.4.6 Basic Conditions of Employment act 75 of 1997

8.4.7 Employment Equity Act 55 of 1998

8.4.8 Unemployment Insurance Act 63 of 2001

8.4.9 Compensation for Occupational Injuries and Diseases Act 130 of 1993; and

8.4.10 Public Finance Management Act 1 of 1999

9 **Reservation of rights**

The CHE may refuse an application for access to a record -

9.1 if the request does not comply with the procedural requirements of the Information Act;

9.2 on any ground contemplated in Chapter 4 of Part 3 of that Act; or

9.3 for any other lawful reason.

10 **Human Rights Commission Guide on how to use the Information Act**

The Human Rights Commission has, in terms of section 10 of the Information Act, compiled a guide on how to use that Act. The guide contains information that will assist

any person wishing to exercise a right contemplated by the Act and is available in all of the official languages.

The guide is available for inspection *inter alia* at the offices of the Human Rights Commission:

29 Princess of Wales Terrace
Cnr York and St Andrews Streets
Parktown, Johannesburg

and on its website at www.sahrc.org.za.

11 Arrangements for public participation

The public, national organisations, research and science councils, and non-governmental organisations participate in the affairs of the CHE through their nomination of the chairperson and the ordinary members of the CHE.

12 Remedies available in respect of non-compliance by the CHE

12.1 Any requester or affected third party who is aggrieved by a decision of the CHE's information officer to refuse or grant access to a record of the CHE, may within 15 days of receiving notice of the decision, appeal to the executive committee of the CHE against the decision.

12.2 An appeal must –

12.2.1 be in writing;

12.2.2 be addressed to the executive committee of the CHE; and

12.2.3 set out the grounds for the appeal.

12.3 Any requester or affected third party who is aggrieved by a decision of the executive committee of the CHE on appeal, may approach the relevant court for appropriate relief.



Schedule 1

**PRESCRIBED FORM FOR ACCESS TO INFORMATION
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))

FOR CHE USE	
	Reference number: _____
Request received by _____ (state rank, name and surname of information officer/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

A. Particulars of public body

The Information Officer / Deputy Information Officer:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.



- (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

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

C. 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: _____

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number of 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



Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. 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: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record / 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: _____

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: none; border-top: 1px solid black;"/>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <hr style="border: none; border-top: 1px solid black;"/>
<p>mark the appropriate box with an X</p> <p>Notes:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such cases you will be informed if access will be granted in another form</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

If the record is in written or printed form:			
	copy of record*		inspection of record
If record consists of virtual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy the images* transcription of the images*
If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
If the record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of information derived from the record* copy in computer readable form* (stiffy or compact disc)
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: _____

G. Notice of decision of 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



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enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at this day of20.....

Signature of requester / person
on whose behalf request is made

SCHEDULE 2

PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows:

	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, or 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, or an A4-size page or part thereof	12.00
(ii) For a copy of an audio record	17.00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R
(1)(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 | 17,00 |
| (f) | | To search for and prepare the record for disclosure, R15,00 for each hour or part
of an hour, excluding the first hour, reasonably required for such search and
preparation. | |
- (2) For purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.