



### Privacy Policy

Document number:	
Document version:	
Document approval authority:	
Document approval date:	
Document owner:	
Document author(s):	
Last updated:	
Next review date:	
Visibility (where will it be displayed):	

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**You must read this policy with:**

- Promotion of Access to Information Act (PAIA) Manual
- ICT Information Management Policy
- Records Management Policy
- Security Access Control Policy
- CHE Confidentiality Agreement
- CHE Privacy Notice
- Disciplinary code and procedure policy and other HR related policies
- Security Access Control Policy
- Business Continuity Plan
- Incident Management Procedure

In compiling this policy, the CHE has reviewed similar policies from other organisations in the sector and used them as resources to inform the development of this policy.

## 1. ABOUT THE COUNCIL ON HIGHER EDUCATION (CHE)

The CHE is an independent statutory body established in May 1998 as provided for by Section 4 of the Higher Education Act (Act No. 101 of 1997, as amended), and it also functions as the Quality Council for Higher Education in terms of the National Qualifications Framework Act (Act No 67 of 2008, as amended). It is a Schedule 3A national public entity in terms of the Public Finance Management Act (Act No. 1 of 1999).

The CHE values the trust of its employees, peer academics, service providers and stakeholders placed in the organisation when they share their personal information. Without this personal information, the CHE would not be able to execute its statutory mandate effectively. Therefore, it is crucial that the CHE protects such information in accordance with the guidelines set out in the Protection of Personal information Act (POPIA) and other relevant privacy regulations. This policy sets out how the CHE achieves this.

## 2. APPLICABILITY OF THE POLICY

The CHE Privacy Policy is applicable to all employees, members of governance structures, peer academics, stakeholders and service providers of the CHE as well as any person (natural and juristic) who's engagement with the CHE involves the gathering, processing and storing personal information as far as the CHE mandate is concerned.

## 3. PURPOSE AND SCOPE OF THE POLICY

- 3.1 For the purposes of this section, Personal Information will be understood in accordance with the definition provided in the POPIA. "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
  - 3.1.1 Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - 3.1.2 Information relating to the education or the medical, financial, criminal or employment history of the person;
  - 3.1.3 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 3.1.4 The biometric information of the person;
  - 3.1.5 The personal opinions, views or preferences of the person;
  - 3.1.6 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

- 3.1.7 The views or opinions of another individual about the person; and
- 3.1.8 The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 3.2 In adopting this Privacy Policy, the CHE wishes to balance its legitimate mandate interests and your reasonable expectation of privacy. Accordingly, the CHE will take all reasonable steps to prevent unauthorized access to, or disclosure of your Personal Information.
- 3.3 In utilising the CHE website, using its services or otherwise or if your information is submitted to the organisation through a lead generation services, users may be asked to provide Personal Information such as; title, first name, last name, gender, email address and phone number.
- 3.4 The CHE will limit the types of Personal Information it processes to only that to which you consent to (for example, in the context of online registration, newsletters, message boards, surveys, polls, professional announcements, SMS, lead generation, social media and other mobile services), but, to the extent necessary, your agreement to these.
- 3.5 This Privacy Policy constitutes your consent as contemplated in [Chapter 1](#) of the POPIA. According to this section, “consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
- 3.6 Where necessary, the CHE will seek to obtain your specific consent in future instances should it deem required by law and where your consent herein might not be lawfully sufficient.
- 3.7 In order to fulfil its legislative mandate, the CHE does collect and use special personal information (such as information about racial or ethnic origins or political or religious beliefs, where relevant). The CHE commits to only disclose such special personal information in anonymise and aggregated form unless consent has been given, this in in line with [Section 27 of the POPIA](#).
- 3.8 By agreeing to the terms contained in this Privacy Policy, you consent to the use of your Personal Information in relation to:
- 3.8.1 The provision and performance of the CHE services to you;
- 3.8.2 Responding to any queries or requests you may have; and
- 3.8.3 Developing a more direct and substantial relationship with users as the CHE stakeholders.

- 3.8.4 In relation to research that the CHE conducts in the execution of its mandate.
- 3.9 Although absolute security cannot be guaranteed on the internet, the CHE has in place up-to-date, reasonable technical and organisational security measures to protect your Personal Information against accidental or intentional manipulation, loss, misuse, destruction or against unauthorised disclosure or access to the information the CHE processes online.
- 3.10 While the CHE cannot ensure or warrant the security of any Personal Information you provide, the CHE will continue to maintain and improve these security measures over time in line with legal and technological developments.
- 3.11 The CHE stores your Personal Information directly, or alternatively, store your Personal Information on, and transfer your Personal Information to, a central database in accordance with the CHE Information Security Management Policy and other relevant documents.
- 3.12 Your information will not be stored for longer than is necessary for the purposes described in this Privacy Policy, the Records Management Policy or as required by applicable legislation.
- 3.13 The Personal Information collected from users by the CHE shall only be accessed by the employees, representatives, stakeholders and peer academics of the CHE on a need-to-know basis, and subject to reasonable confidentiality obligations binding such persons.
- 3.14 The CHE shall have the right, but shall not be obliged, to monitor or examine any information and materials including any website link that you publish or submit to the CHE for publishing on the website. You shall be solely responsible for the contents of all material published by yourself.
- 3.15 The CHE constantly reviews its digital systems and data to ensure the best possible service to its users.
- 3.16 The CHE does not accept any users, or representatives of users, under 18 years of age or who otherwise does not have the relevant capacity to be bound by this Privacy Policy.
- 3.17 The CHE will not sell or share your Personal Information to any third party or use your e-mail address for unsolicited mail. Any emails sent by the CHE will only be in connection with the provision of its services thereof.

**4. PRIVACY POLICY STATEMENT**

All personal information gathered by the CHE will be processed and stored in accordance with the Records Management Policy of the CHE. While all personal information should be protected, the CHE takes a risk-based approach to compliance. The CHE prioritises the protection of personal information that is used in its important operational activities, and in activities that could have a substantial impact on a data subject’s right to privacy.

It is the CHE policy to:

- follow the principles of privacy protection that are set out in the POPIA; and
- conduct data protection impact assessments.

Data privacy principles followed by the CHE:

The Principle	What the CHE Does
4.1 Classify personal information	Identify and classify the personal information that the CHE uses and produce.
4.2 Document processing activities	Document all processing activities to ensure that the CHE can respond to requests from the Information Regulator and requests for information by data subjects or third parties.
4.3 Specify the purpose for processing	Specify and document the purposes for which the CHE processes personal information.
4.4 Provide legal basis for processing activities	Ensure that: <ul style="list-style-type: none"> <li>• all processing activities have a legal basis; and</li> <li>• document the specific legal basis for processing personal information for each activity.</li> </ul>
4.5 Keep processing to a minimum	Ensure that the CHE: <ul style="list-style-type: none"> <li>• processes personal information that is adequate, relevant, and not excessive, considering the purpose of the activity; and</li> <li>• de-identify personal information before the CHE starts the activity where possible. Where de-identification is not possible, the CHE must consider masking the personal information.</li> </ul>
4.6 Obtain personal information from lawful sources	Obtain personal information from lawful sources only.  Lawful sources of personal information include:

	<ul style="list-style-type: none"> <li>• the data subject;</li> <li>• information that the data subject made public deliberately;</li> <li>• public records; and</li> <li>• a source that the data subject consented to.</li> </ul> <p>Other sources may be lawful in special circumstances. If you are unsure, speak to the Deputy Information Officer.</p>
<p>4.7 Process transparently</p>	<p>Disclose all processing activities to data subjects in the CHE’s privacy notices.</p>
<p>4.8 Ensure personal information quality</p>	<p>Take reasonable steps to ensure that personal information is complete, accurate, not misleading, and updated when necessary.</p>
<p>4.9 Limit sharing</p>	<p>The CHE only shares personal information if it is legal to do so and ethically justifiable. The CHE:</p> <ul style="list-style-type: none"> <li>• identify all instances when personal information is shared with external organisations or individuals (third parties);</li> <li>• ensure that sharing personal information complies with data protection legislation and the Information Sharing Procedure;</li> <li>• enter appropriate contracts and take additional steps that may be necessary to reduce the risk created by sharing personal information;</li> <li>• conduct an information sharing assessment to determine who is responsible to ensure that contracts are concluded, who must review the contracts, and whether the CHE must take additional steps to reduce the risks created by sharing;</li> <li>• keep record of personal information sharing activities, including the outcome of assessments, a record of additional steps taken, what personal information was shared and when, and the method used to share the personal information.</li> </ul>
<p>4.10 Keep personal information secure</p>	<p>Protect all personal information that the CHE uses and produces against breaches of confidentiality, failures of integrity, or interruptions to the availability of that information.</p> <p>All personal information processing must comply with the CHE’s Information Security Management Policy.</p>

<p>4.11 Manage personal information incidents</p>	<p>All employees must report incidents in accordance with the Information Security Management Policy and the Incident Management Procedure of the CHE.</p> <p>An incident includes:</p> <ul style="list-style-type: none"> <li>• non-compliance with this policy and any procedures that relate to it;</li> <li>• contraventions of any data protection legislation such as the POPIA; and</li> <li>• security incidents such as breaches of confidentiality, failures of integrity, or interruptions to the availability of personal information.</li> </ul> <p>Employees must immediately report:</p> <ul style="list-style-type: none"> <li>• any known or suspected incidents; or</li> <li>• any circumstances that increase the risk of an incident occurring. Reports must be sent to [<i>email to be added</i>].</li> </ul>
<p>4.12 Manage retention periods</p>	<p>Ensure that all records:</p> <ul style="list-style-type: none"> <li>• are managed appropriately and in accordance with any operational or legal rules that may apply; and</li> <li>• comply with the CHE Records Management Policy.</li> </ul>
<p>4.13 Respect data subjects' rights</p>	<p>Respect the rights of data subjects to:</p> <ul style="list-style-type: none"> <li>• access their records;</li> <li>• know who their information was shared with;</li> <li>• correct or delete inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or illegally obtained information;</li> <li>• withdraw consent; and</li> <li>• object to the processing of their information when it is not necessary for the conclusion or performance of a contract or to comply with an obligation imposed by law.</li> </ul> <p>All data subject requests must go through the Data Subject Request Procedure.</p>



## 5. PERSONAL INFORMATION IMPACT ASSESSMENTS CONDUCTED BY THE CHE

The Information Officer and/or relevant Deputy Information Officer(s) ensures that a Personal Information impact assessment is done before the CHE starts a new information processing activity. The data protection impact assessment includes a risk analysis of the activity.

The CHE conducts a Personal Information impact assessment before it:

- a. continues to process personal information as part of an activity that has not undergone a data protection impact assessment before;
- b. changes an existing processing activity;
- c. launches a new service;
- d. extending its partnership or agreements with other countries;
- e. uses new systems or software for processing personal information; or
- f. shares personal information with third parties.

A personal information impact assessment has three phases:

- i. Identify activities in which personal information is processed.
- ii. Complete the data protection impact assessment questionnaire to document the activity, classify information, and perform a risk-rating for the activity.
- iii. Complete a further investigation and assessment with assistance from the Deputy Information Officer/s if the activity had a risk rating of high or critical after the data protection impact assessment questionnaire was completed.

All activities that are rated as critical or high risk during the data protection impact assessment must undergo an assessment every year.

## 6. ROLES AND RESPONSIBILITIES

The following are the roles and responsibilities in respect of this policy:

6.1 The Information Officer – Chief Executive Officer (CEO):

6.1.1 The CEO is the Information Officer of the CHE. The Information Officer has a coordinating function that focuses on the policy-based protection of the CHE information and is the owner of this policy.

6.1.2 The Information Officer ensures that this policy receives support from the Deputy Information Officer(s) throughout the organisation and that such officers discharge their responsibilities.

6.2 The Deputy Information Officer(s) – Directors and the Chief Financial Officer:

6.2.1 The Deputy Information Officer(s) supports the Information Officer and is/are responsible for strategic guidance to the organisation on data privacy risk

management and oversee the implementation of this policy in the areas of responsibility.

6.2.2 The Deputy Information Officer(s):

- a. facilitate the development of procedures and standards to support data privacy;
- b. provide advice on the identification and management of data privacy risk;
- c. monitor whether personal information impact assessments are performed when required;
- d. arrange training on data privacy;
- e. respond to data subject requests and objections;
- f. respond to requests from the information regulators and working with regulators when there is an investigation; and
- g. ensure whether this policy is implemented throughout the organisation.

6.3 The Director responsible for Information Technology (IT):

The Director responsible for IT supports the Information Officer and the Deputy Information Officer(s) by:

- a. developing IT policies, procedures, standards and guidelines;
- b. providing technical advice on data privacy;
- c. supporting the implementation of this policy through appropriate technology investments; and
- d. ensuring that the organisation only invests in information technology that complies with this policy.

6.4 Users of information:

All users who have access to the CHE's information or information systems must:

- a. adhere to all policies, procedures and guidelines that relate to the use of information; and
- b. report any actual or suspected incidents.

6.5 Internal and External Auditors:

Internal and External Auditors provides independent assurance that the CHE's risk management, governance and internal control processes are operating effectively, including compliance with this policy.

## 7. THE RIGHTS OF DATA SUBJECT

The CHE's Privacy Policy recognises the rights of the data subjects in line with [Chapter 5 of the POPIA](#) – "Rights of a data subject" and these are also outlined in the CHE PAIA Manual.

## 8. COLLECTION, USE, DISCLOSURE AND STORAGE OF DATA

There are various methods the CHE employs to collect personal data as outlined in Annexure A.

The data is collected, stored and used by the CHE to execute its mandate within the various programmes and subprogrammes in the organisation. Various records in the respective programmes and subprogrammes are listed in Annexure A of the Privacy Policy but not limited to it.

Information is stored in accordance with the CHE's Records Management Policy.

## 9. CONSEQUENCES OF NON-COMPLIANCE WITH THE POLICY

The CHE only functions properly when all employees do their part, in pursuit of wanting to see the organisation succeeding. This includes making the relevant authorities aware when there are cases of non-compliance with the policy.

If individuals employees do not comply with this policy, they could face disciplinary action in line with the relevant CHE policies.

## 10. PROCESS OF COMPLAINING ABOUT NON-COMPLIANCE

Complains can be submitted in writing to the Information Officer of the CHE at the following physical address or an electronic mail address reflected below:

### **The Information Officer**

Council on Higher Education  
 1 Quintin Brand Street  
 Persequor Technopark  
 0184

### Alternatively

PO Box 94  
 Persequor Technopark  
 0020

Tel: (012) 349 3840

E-mail: [ceo@che.ac.za](mailto:ceo@che.ac.za)

## 11. EFFECTIVE DATE

This policy will take effect upon the date of its final approval.

## 12. APPROVAL AND AUTHORISATION

DRAFT

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**Dr Whitfield Green**  
**Chief Executive Officer**  
**Date:**

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**Mr. Thagaran Govender**  
**Chairperson of the ICT Committee of Council**  
**Date:**

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**Prof. Themba N. Mosia**  
**Chairperson of EXCO and Council**  
**Date:**

**ANNEXTURE A**

<b>Institutional records</b>	<b>Financial records</b>	<b>Human resource records</b>	<b>Statutory records</b> <i>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:</i>
a. Internal CHE correspondence	a. General accounting records	a. Staff employment contracts	a. Income Tax Act 58 of 1962
b. Minutes of the CHE and its committees	b. Annual budgets	b. Internal policies and procedures	b. Value Added Tax Act 89 of 1991
c. External CHE correspondence	c. Annual financial reports	c. Provident fund records	c. Higher Education Act 101 of 1997
d. Internal policies and procedures	d. Annual financial statements	d. Medical aid records	d. National Qualifications Act South African Qualifications Authority Act 58 of 1995
e. External policies and procedures	e. Asset registers	e. Personnel records	e. Labour Relations act 66 of 1995
f. Commercial contracts with third parties	f. Income tax records		f. Basic Conditions of Employment act 75 of 1997
g. Memoranda of understanding with other statutory bodies	g. Internal financial policies and procedures		g. Employment Equity Act 55 of 1998
h. Records relating to quality assurance in higher education			h. Unemployment Insurance Act 63 of 2001
i. Records relating to auditing of quality assurance			i. Compensation for Occupational Injuries and Diseases Act 130 of 1993

mechanisms of higher education institutions			
j. Records relating to accreditation of higher education programmes			j. Public Finance Management Act 1 of 1999
k. Research reports, publications and newsletters			

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