



Privacy Notice

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The commencement date of the Protection of Personal Information (POPI) Act, 2013 (Act No. 4 of 2013) was the 1st of July 2020 and it came into full effect on the 1st of July 2021. The POPI Act determines how organisations collect, process, store and dispose of personal data.

The Council on Higher Education (CHE) respects and protects the privacy of individuals and the entities that it works with. The CHE is committed to keeping all personal information secure and confidential. This CHE Privacy Notice applies to all persons (both natural and juristic, like companies and closed corporations) whose personal information the CHE collects, regardless of form and medium. Personal information includes information about the CHE's employees, peer academics, Council and governance committee members, service providers, public and private higher education institutions and students (including past and present students, past and present staff members and other stakeholders), government departments, state entities and other related institutions that the CHE interacts with in the execution of its mandate as a national quality assurance body.

In addition to this general notice, specific privacy policies and practices are described in more detail in the CHE's Privacy Policy, Records Management Policy and Cyber Security Policy. These can be made available on request in line with the POPI Act.

This Privacy Notice is informed by the Constitution of the Republic of South Africa, 1996, particularly the right to privacy, and is implemented in accordance with the Protection of Personal Information Act 4 of 2013 (POPIA). It explains the CHE's personal information handling practices in relation to its mandate within the higher education sector.

1. What is personal information?

The Protection of Personal Information Act, 2013 (POPIA) protects personal information of natural and juristic persons. The Council on Higher Education is required to comply with the minimum conditions set out in the Act. "Personal information" as defined in the POPIA, means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, such as:

- 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.
- Information relating to the education or the medical, financial, criminal or employment history of the person.
- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- The biometric information of the person.
- The personal opinions, views or preferences of the person.
- 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.
- The views or opinions of another individual about the person.
- 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.

Personal information includes special personal information, which is a particular category of personal information. Special personal information includes religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information.

2. What information does the CHE collect?

The CHE collects and holds a broad range of personal information in records relating to:

- Communication from members of our governance structures, the public or organisations addressed to us.
- Correspondence from other quality assurance bodies, the South African Qualifications Authority (SAQA), the Department of Higher Education and Training (DHET), Professional Bodies, and organs of state

or other organisations, including higher education institutions, both public and private.

- Current and past students within the higher education sector.
- Current and past staff members in public and private higher education institutions.
- Employment and personnel matters relating to staff, peer academics, Council and governance committee members of the CHE.
- Administration of programmes, sub-programmes and related activities which the CHE is responsible for:
 - Quality Assurance programme
 - Quality Reviews sub-programme
 - Accreditation sub-programme
 - Standards and Capacity Development sub-programme
 - Management of the Higher Education Qualifications Sub-Framework programme
 - Qualifications and Data Management sub-programme
 - Partnerships and Collaborations sub-programme
 - Research and Monitoring programme
 - Research sub-programme
 - Monitoring sub-programme
 - Policy and Advice programme
 - Policy Development sub-programme
 - Advice sub-programme
 - Strategy, Governance and Management programme
 - Corporate Services and ICT sub-programme
 - Finance, Supply Chain and Facilities Management sub-programme
 - Governance sub-programme
 - Communication and Stakeholder Relations sub-programme

3. How does the CHE collect the information?

The CHE collects personal information in a variety of ways. These include:

- Correspondence
- Institutional submissions
- Paper-based forms and attendance records
- Online (web-based forms, online meeting recordings and e-mail), and
- Phone calls, faxes, online meetings and face to face meetings.

The CHE mostly collects personal information directly. However, in some situations it also collects information from other organs of state or

organisations. For example, institutional submissions for quality assurance purposes typically include information on past and current students and staff of a higher education institution.

Certain third-party service providers may collect or check information from or about you on behalf of the CHE. This happens, for example, in cases where the CHE commissions work to be carried out by peer academics.

The CHE works with public bodies or organs of state such as the South African Qualifications Authority, Quality Council for Trades and Occupation, Umalusi, Universities South Africa (USAf) and national government departments, public and private higher education institutions and state-owned entities, which may collect or check information from or about you on behalf of the CHE.

The CHE only collects personal information where that information is reasonably necessary for, or directly related to, one or more of our legally mandated functions or activities.

4. Collection of Personal Information

- The provision of personal information to the CHE is mandatory or voluntary, depending on the nature of the information that is being requested.
- Refusal to provide the required personal information may result in the CHE being unable to fulfil its legal or contractual obligations.
- Where applicable, and in limited circumstances, personal information may be transferred to third countries or international organisations. Where this is the case, the CHE will ensure that an adequate level of data protection is in place, comparable to the data protection requirements in South Africa.
- Your personal information may be shared with authorised third parties in the country, including service providers, regulatory bodies, and other stakeholders where required by law. Where this is the case, the CHE will exercise due diligence in terms of the third party's compliance with POPIA.

5. What mandates the CHE to collect information?

The CHE's mandates are derived from legislation. For the CHE to execute its functions and activities, it requires access to personal information.

The Higher Education Act (Act No. 101 of 1997, as amended) mandates the CHE to:

- Advise the Minister responsible for higher education and training on any aspect of higher education at the request of the Minister.
- Arrange and co-ordinate conferences.
- Promote quality assurance in higher education, audit the quality assurance mechanisms of higher education institutions, and accredit programmes of higher education.
- Publish information regarding developments in higher education, including reports on the state of higher education, on a regular basis.
- Promote the access of students to higher education institutions.

In terms of the National Qualifications Framework Act, the CHE as the sole Quality Assurance Council (QC) for higher education is mandated to:

- Comply with any policy determined by the Minister in terms of section 8 (2)(b).
- Consider the Minister's guidelines contemplated in section 8(2)(c).
- Collaborate with the SAQA and QCs in terms of the system contemplated in section 12 (1)(f)(i).
- Develop and manage the Higher Education Qualification Sub-Framework (HEQSF) and make recommendations thereon to the Minister.
- Advise the Minister on matters relating to the HEQSF.
- Consider and agree to level descriptors contemplated in section 13 (1)(g)(i) and ensure that they remain current and appropriate.
- Develop and implement a suit of policies and criteria, to facilitate the implementation of the HEQSF and the NQF, and to protect their integrity.
- Develop and implement the policy for quality assurance and ensure the integrity and credibility of quality assurance.
- Maintain a database of learner achievements and related matters for the purposes of this Act and submit such data in a format determined in consultation with the SAQA for recoding on the National Learners' Records Database contemplated in section 13(1)(l).
- Conduct or commission and publish research on issues of importance to the development and implementation of the sub-framework; and inform the public about the HEQSF and NQF.

6. The CHE takes your privacy and the security of your personal information seriously

The information gathered and processed will not be provided to anyone outside of the CHE, unless consent is given, or the CHE is reasonably

expected to provide such information as part of executing the mandate of the CHE.

The CHE may collect and process sensitive information (such as race or gender information) if it is needed for fulfilling our mandate or if it is required to comply with applicable law.

The CHE has implemented reasonable security safeguards based on the sensitivity of the personal information to protect it from loss, misuse and unauthorised access, disclosure, alteration or destruction. For example, the CHE regularly monitor its systems for possible vulnerabilities and attacks. The CHE can, however, not guarantee that information may not be accessed, disclosed, altered or destroyed by breach of any of our physical, technical or managerial safeguards.

7. The CHE will inform you if your privacy is ever compromised

Although the CHE cannot prevent all security threats, it has reasonable measures in place to minimise the threat to your privacy should something happen. The CHE will let you know of any breaches which affect your personal information unless the CHE is obligated in law not to do so.

8. Your Rights as a Data Subject

You have the right:

- To ask what personal information the CHE holds about you;
- To ask what information was provided to any other third party about you;
- To ask the CHE to update, correct or delete any out-of-date or incorrect personal information the CHE holds about you;
- To object, on reasonable grounds relating to your particular situation, to the processing of your personal information in terms of section 11(3)(a) of POPIA; and
- Not to be subject to a decision based solely on automated processing of your personal information intended to create a profile of you, as contemplated in section 71 of POPIA.

You can exercise the rights listed above by requesting a Data Subject Request Form from the CHE. The form can be requested from and submitted to the following email address:

Email: ceo@che.ac.za

You also have the right to:

- To lodge a complaint with the Information Regulator if you believe your personal information has been processed unlawfully or if your request has not been adequately responded to. The complaint can be submitted at:

Email: POPIACompliance@inforegulator.org.za

Website: www.inforegulator.org.za

- To institute civil proceedings in respect of any alleged interference with the protection of your personal information.

Should you have any questions regarding this notice, please contact us via Bhengu.N@che.ac.za